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*Due to an extra pressure on our columns this week, we are compelled to postpone the publication of our usual Notes on Recent Cases and other important matters till next week.*

## THE SOLICITORS' JOURNAL.

LONDON, NOVEMBER 5, 1859.

### CURRENT TOPICS.

Our annual notice of the Legislation of the Year has been unavoidably postponed, from circumstances over which we had no control. It will be presented gratuitously to our readers with the index to this volume.

The election of Lord Brougham to the Chancellorship of Edinburgh University is a great event, even in his long and celebrated career. Following close on the brilliant banquet in his honour, the University distinction completes the fitting tribute which Edinburgh has given to the greatest of her modern sons, a distinction which reflects as much honour on those who bestow as on him who receives it. We need not dwell on the discernment which prompted, or the taste which conducted the fruitless opposition; they are both past, and had best be buried for ever; but we were glad to see in the *Scotsman* an explanation of the fact which seemed so strange at first sight, that the only class which gave a majority to the Duke of Buccleuch was the profession adorned by the forensic genius of Brougham. It is a fact that out of 259 lawyers voting at the election, 142 supported the duke, while 117 only voted for Lord Brougham. Our contemporary has made a careful analysis of the whole list, and from his remarks we extract the following:—

It was among the *lawyers* alone that Lord Brougham was in a minority; and it seems strange that such should be the case in a profession which is his own, of which he has been the head, and which, with so much reason, has always regarded him with pride. But when we go a step further, we find that Lord Brougham is in a majority in all the branches of the profession but one, and that one subject to peculiar influences. Dividing the lawyers into advocates, writers to the signet, and all others (in which we rather roughly include S.S.C.'s with country procurators), the profession voted thus:—

	Total.	Brougham.	Buccleuch.
Advocates . . . .	70	37	33
Writers to the Signet . . . .	143	51	92
All others . . . .	46	29	17

Comparing the advocates and W.S.'s, there are two remarkable features—the numbers of each which voted, and the way in which each voted. The advocates on the roll are about 400, of which the number that voted was only 70; the S.W.'s on the roll are about 500, of which the number that voted was 143—(the roll of which we speak here being, of course, the roll of each profession, not of the graduates or qualified voters). This disparity must have been caused, in part, by the advocates being, to a much greater extent than the other class non-

resident; but that there was another powerful cause in operation may be safely inferred from the different ways in which the two branches voted. It is beyond question that the great majority of the members of the Scotch bar are Conservative—yet the majority of those who voted gave their suffrages for Lord Brougham. The explanation, we believe, is, that among the Conservative advocates there was a feeling that the opposition to Lord Brougham was a mistake, and that, under that feeling, though only a few voted for Lord Brougham, many stayed away. It is doubtful if so large a majority of the W.S.'s as of the advocates are Conservatives, yet of those who voted three in four voted for the Duke of Buccleuch. One explanation probably is, that a large portion of the W.S.'s are closely connected with members of the landed interest as clients, and are more or less directly or indirectly, consciously or unconsciously, under the pressure of that influence, most fitly and favourably represented by the Duke of Buccleuch. On the votes of the members of the other branch of the law, it is unsafe to venture remark, the classification and the designations being very imperfect; but there can be no doubt that Lord Brougham had the great majority of the country agents.

A large number of the voters who ensured Lord Brougham's election were non-residents, and we understand that in every case they made the journey, for some a considerable one, at their own expense; a fact which speaks greatly to the honour of a body of men not generally abounding in wealth.

Mr. Wren Hoskyns has addressed a letter to the *Times*, advocating the establishment of a land insurance company as a sure remedy for complications of title and difficulty of transfer. There are only, says Mr. Hoskyns, a small per centage of bad titles on all the sales effected, and a slight premium paid on every transfer will consequently cover the total risk. Purchasers of land should, therefore, waive all investigation of title, be content with a simple conveyance, and insure in the Land Insurance Company. This notion, which we believe is not propounded for the first time, is based on a fallacious analogy between the insurance of lives and the insurance of title to land. The calculations in respect to the former have, by a long series of observations, and the elaboration of vital statistics, been brought to a mathematical precision, and any well-regulated Life Assurance Company may count on an ultimate certainty of profit. But the business of such an office as Mr. Wren Hoskyns proposes would be a mere gambling speculation, leaving its promoters at the mercy of every swindler who could invent a title or forge a deed. Mr. Hoskyns seems to have overlooked the fact, that life assurance companies always investigate, more or less, the chances of duration of any life submitted to them for approval, and that undoubtedly the company he proposes to establish must, for its own safety, pursue the same course with regard to titles to land. If so, the expense must fall on the insurer, for it never could be afforded by the Company out of the small premium that is contemplated; so we soon arrive at the question, *cui bona?* For what tangible benefit is such a company required? Not certainly to avoid investigation of title, for that must go on just as before.

It is to be noticed that in the many schemes put forward on this subject, one important element in the discussion is constantly overlooked. We mean the comparatively small proportion of land which is destined for the market, and therefore likely to become subject of transfer, compared with the thousands of landed estates dedicated to family purposes, sacred for the provision of generations, and respecting which sale is never for a moment in contemplation. This large bulk of ancestral property will never be dealt with by legislative enactment, unless, indeed, some great and unexpected change comes over the social character of the country. It is only the margin of the whole, the smaller portion of land held for commercial purposes, for which any scheme of improved transfer is desired, or perhaps possible.

We have received from a correspondent a statement of a case tried in the Leicester County Court, before Mr. Serjeant Miller, on the 28th of September last. A carpenter of the name of Hextall was sued for a small amount in conjunction with another defendant, and pleaded infancy; producing in support of the plea the certificate of his birth. The judge, if we are informed aright, admitted the establishment of the fact of infancy, but afterwards gave judgment against Hextall, on the ground that the plea was not meritorious. He added, we are told, that such a plea might be excusable in a young gentleman at Oxford or Cambridge, but was not to be maintained by a carpenter. An application was afterwards made for a new trial, and the affidavit stated that if further evidence of the infancy was required, material and conclusive testimony would be adduced on that point. The judge refused the application.

Now speaking on the information we have received, and which we have good reason to believe accurate, we can entertain no doubt that the defendant Hextall is a minor, and that this fact was sufficiently established before the judge. But Mr. Serjeant Miller, anxious, no doubt, to do what is termed "substantial justice," and believing the debt to be due, gives judgment contrary to law, and then clenches the matter by refusing a new trial. We object to this exercise of a dispensing power by judicial hands, however upright may be the motives of the judge; and we reluctantly comment on what we believe to be an error of judgment in Mr. Serjeant Miller, because there is, we fear, a laxity of practice growing up in the County Courts, which can only lead to the discredit of those invaluable tribunals.

#### LEGAL EDUCATION IN AMERICA.

Mr. E. W. Field, in his paper, read at the Metropolitan and Provincial Law Association, last week, alluded to the importance of professional instruction and of mootings before the professors as a part of any efficient system of legal education; and he referred to the practice of the different States of America as illustrating the subject. We have since received from Chicago a newspaper, *The Press Tribune*, of the 22nd September last, containing a full report of a long and eloquent address by the Hon. David Dudley Field, of New York, well known as the author of the Code of Procedure now in force in that State. The lecture principally treats on the position of law among the sciences; but it contains passages pointing at the system of education there found to be the most efficient, which we have extracted and give—

But I must return from this digression to the science which is the object of this discourse. Am I not justified in saying of it, that while of the moral sciences it is the most exact, it is of all sciences the most comprehensive in its compass, the most varied and minute in its details, the most severe in its discipline, and the most important to the order, peace and civilisation of mankind.

How shall this science best be learned? There are three methods: the private study of books; the advice and aid of practitioners, amid the bustle and interruptions of practice; and the teaching of public schools.

The inadequacy of the first is obvious; the disadvantages of the second are too painfully known to all of us who studied in that way; the third is beyond question the most efficient and complete. There is as much need of public schools for the law, as for any other science. There is more, for the greater the science, the greater the need. Above all others, this science, so vast, so comprehensive, so complicated and various in its details, needs to be studied with all the aids, which universities, professors, and libraries can furnish.

Where else so readily as here, will the student obtain a view of the law as a whole, and of all its parts in their several relations and dependencies; here, where are collected the records of the science, where there are professors devoted to its teaching, where there are scholars anxious of distinction, and stimulating each other. If medical schools have an advantage over the former method of study and practice by the side of a practising physician, or if theological schools give better train-

ing than the private study of an ordained clergyman, busy with parochial duties, for similar reasons a school of law, with its large library, its professors set apart to the duty, its lectures, its company of students, its discussions, oral and written, are helps above all that the private office of a busy advocate can offer to a complete legal education. Not that I would altogether dispense with or undervalue the observation of actual practice obtained by attendance in a lawyer's office, during the smaller portion of his legal course; preliminary to the student coming himself to the bar. After the general survey of the law, the comprehension of its parts, and the examination and study of all those parts in all their relations, which a thorough training in a law school can best give, it would undoubtedly tend to the advantage of the youthful practitioner, to pass a few months in the office of an elder brother, observe its methods, and participate in its active duties.

Mr. Edwin Field, in his paper, insisted on the necessity of having, if possible, a body of men set apart as professors, if the proper teaching of law is to be insured. It is interesting to see what his Yankee namesake says on the same subject. The whole question is one of the utmost importance; and surely it would be advisable for the Incorporated Law Society to request the opinions of some of the University men who have been most engaged in establishing the Middle Class Examinations, for their opinions on the different points in issue.

#### THE LAW MAGAZINE AND LAW REVIEW.

The quarterly journal of the legal profession has appeared this November with a number of more than average excellence, containing a variety of interesting articles and information. Lord Brougham's annual letter to the Earl of Radnor, rather shorter we think than usual, touches on several important topics, the principal being that of the attempted legislation for the improvement of the Divorce Court. His Lordship urges once more the necessity for making the Attorney-General assessor to the court, that he may watch every case, and report on any suspicion of collusion or conspiracy. Lord Brougham states, that during the short time that the Divorce Court has existed, he has known two cases of conspiracy which the intervention of the Attorney-General would have at once made desperate; and that a third case has been stopped by a mere accident, leading the Court to call for a document, which, without any accident whatever, must of necessity have been produced had the Attorney-General assisted.

Some excellent remarks on the notorious Smethurst case bear out the views which we maintained at the time of the trial. To us it seemed a humiliating spectacle to see the law overridden, and truth clamoured down, by a small mob of interested and prejudiced persons. The evil result of a weak yielding to anonymous outcry has been witnessed last week in the acquittal of another poisoner; a failure of justice which may now be constantly expected. The *Law Magazine* joins us in deprecating as destructive to all sober administration of justice the indecent struggles of rival "schools" and "professors," who watch for these trials as the approved opportunities for thrusting themselves into notice, and thus obtaining a chance for the appointments of analysts to the prosecutions. It is suggested, that, as this mode of reversing a decision of the Courts has already been sanctioned by the Home Office, it should now receive the stamp of the Legislature; and that it be enacted that "henceforth, whenever the legitimate tribunal is satisfied of the guilt or innocence of the accused, but certain others profess themselves, through the newspapers, as being dissatisfied with the verdict, and go new evidence is likely to be adduced on any future trial, but much prejudice, personality, and charlatanism may be introduced, it shall be lawful for any three or more anonymous persons to write to any



three or more newspapers, demanding a new trial, which shall be forthwith granted."

A very graceful and merited notice of the late Mr. Broderick is the closing article of a number which we commend to our readers as well worthy of perusal.

## The Courts, Appointments, Vacancies, &c.

### QUEEN'S BENCH.

#### STRIKING AN ATTORNEY OFF THE ROLLS.

*Ex parte Francis Blake.*—Nov. 2.

Mr. Garth said, he was instructed by the Incorporated Law Society to apply for a rule nisi, calling upon an attorney of the Court, named Francis Blake, to show cause why he should not be struck off the rolls. The matter had been the subject of inquiry in the Insolvent Court, and consequently he need be under no apprehension in stating the attorney's name. The first charge against Mr. Blake was, that in April, 1856, Mr. Beavis, a stonemason, who had been a client of his, informed him he had some money he wished to advance on good security, and accordingly, on the 7th April, Mr. Beavis advanced to Blake £1,000 on what purported to be a mortgage-deed on the property of Sir A. Chichester, in Ireland, in favour of one George Gordon Smith, together with certain vouchers and promissory notes for £1,000. Interest was paid by Blake upon the money for some years, and in December, 1847, he obtained the documents from Beavis, for the purpose of producing them in the Court of Chancery in Ireland. They were returned, borrowed a second time for a similar purpose, and the deed was returned, but not the vouchers. In 1854, Blake left the place he was residing in, and the next thing Mr. Beavis heard of him was, that he was a prisoner in the Queen's Bench. Mr. Beavis applied to him there for his £1,000. Shortly after, Blake applied to take the benefit of the Act, when he was opposed by Mr. Beavis, and it came out from Blake's own evidence that, in 1854, he took the deed to the Incumbered Estates Court and obtained £1,600 upon it, which he had applied to his own use. The second transaction against Blake was, that he went to a surgeon named Atkinson, at Wallingford, and induced him to become a co-trustee with reference to the property of a lady named Wadham, which was the subject of a Chancery suit. Mr. Atkinson at first objected to have anything to do with such an onerous trust, but on Blake's informing him that he (Blake) would take the conduct and management of the affair, and only call upon him to sign formal documents, he consented to act. Afterwards, Blake brought him documents, accounts, and receipts to sign, informing him all was correct, but the consequence was, Mr. Atkinson found that he had signed receipts for £1,776, and £876, which money Blake had got possession of and had appropriated to his own use. Mr. Atkinson being obliged to refund the two amounts. The learned counsel said, he had other transactions to bring forward, but the Court informed him he might take a rule.

Rule granted.

### SHERIFFS' COURT.

(Before Mr. KERR.)—Oct. 20.

*Tibbets v. Turner.*—Attorney and Client.

This was an action to recover £45, money had and received to plaintiff's use and account.

The action involved a point of importance in reference to London attorneys acting as agents for their country brethren. It appeared that in May last, one Captain Knight owed plaintiff a sum of £70, and hearing that his debtor was about to quit the port of London, plaintiff applied at the office of his attorney at Newport (a Mr. Nicholls) to issue process. Mr. Nicholls was not in the way, and plaintiff called at the office of a Mr. Champ, who was also absent. Upon inquiring of a person in the office concerning a respectable London firm to conduct the business, the names of Messrs. Sole and Turner were put upon paper, and plaintiff came up to London. He at once called upon defendants, and saw a Mr. Knight, one of the clerks in the office, saying that Mr. Champ's clerk had sent him. Defendants issued a writ of capias and took the captain. The captain was anxious to come to terms, and offered £50 to be accepted in satisfaction of all demands. Plaintiff said that he was induced to agree to this sum in consequence of being informed that the costs would only be £5. Mr. Knight swore that he made no such representation. In fact, the costs on the day of settling were 7l. 7s. When plaintiff called at defendant's office for his money he was offered £42,

and told the costs were £8. He refused to accept this money, and applied to a number of attorneys to sue defendants for £45. Each attorney gave up the business, after a letter, as plaintiff averred that they wanted a 3l. 3s. fee. Finding plaintiff would not take the £42, defendants sent a cheque for that amount, payable to plaintiff, to Mr. Champ, and it was contended that they were merely acting as agents for that gentleman. It was also contended that plaintiff had admitted that gentleman as principal in the matter, by accepting cash on account of the transaction from him. Mr. Champ said, he had received £42 from defendants, and had by plaintiff's authority paid £18 to a gentleman named Gregory. He had also advanced £9 in cash to plaintiff, and frequently tendered his cheque for the balance. To this plaintiff said that he never recognised Mr. Champ in the affair; that Mr. Champ had put the name "Tibbets" on the back of defendants' cheque without plaintiff's authority; that he had no right to pay Gregory, and that he never advanced plaintiff £9. The cheque which was produced was impounded.

Mr. Metcalfe then called his Honour's attention to letters written by the plaintiff to Mr. Champ, demanding the money, and contended that plaintiff had, in those epistles, admitted Mr. Champ as his attorney.

His Honour said, it was true that plaintiff had written to Champ for 43l. 19s.—being £45, less the guinea fee due to Champ; but that sum was demanded under a threat, and plaintiff still reserved his right of action against defendants. He threatened to take Champ before the Lord Mayor, and his Honour had impounded the cheque to enable plaintiff now to do so. His Honour was of opinion that it was not an agency case. He said, there is no doubt that Messrs. Sole and Turner are highly respectable men. In this case they have acted in error, and I am of opinion they are liable. I give plaintiff a verdict for £45, with costs.

### GUILDHALL.—Nov. 2.

#### FINAL EXAMINATION AND COMMITTAL OF MR. HUGHES, THE BANKRUPT SOLICITOR.

Mr. David Hughes, solicitor, who was recently brought from Australia by Sergeant Brett, of the City Detective Force, upon a warrant issued from this court, was again brought up before Alderman Lawrence for committal upon the various charges preferred against him in connection with his bankruptcy.

The bankrupt, who still preserved the same calmness of demeanour, almost amounting to indifference, it will be remembered, carried on business some years ago in the Old Jewry, under the name of Overton and Hughes, since which the partnership has been dissolved, and he has held offices at 13, Gresham-street, City, his private residences being at 10, Canonbury-place, Islington, and Kinggate Castle, near Margate. His business transactions were of late years conducted on a gigantic scale, as appeared by the enormous amount of his liabilities when he absconded to Australia in July, 1858, which were stated at £200,000. It has, however, been asserted for the defence that the liabilities do not exceed £150,000, and that the assets, if fairly realised, were sufficient to cover the whole of that amount. This statement was afterwards contradicted by the counsel for the prosecution, who said, that although the debts proved under the bankruptcy did not amount to more than £30,000, there were other claims which had been investigated amounting to over £100,000 beside. There have been six examinations before the magistrate at this court, during which evidence has been elicited in support of four separate charges—two for obtaining sums of £1,000 and £875 under false pretences, and upon the deposit of valueless securities; one for misappropriating £1,000 under the Fraudulent Trustees Act; and another for absconding and not surrendering to his bankruptcy, after notice of adjudication had been served at his last known place of abode.

The cases were all completed at the last hearing, and the bankrupt was remanded for the completion of the depositions, which were now read over to the witnesses, in his presence, by Mr. Youle, assistant clerk, after which the bankrupt was formally committed to Newgate to take his trial on the above and any other charges which may be preferred against him at the next sessions of the Central Criminal Court.

At the conclusion of the case Mr. Nelson, the solicitor to the assignees, expressed his obligation to the magistrate and the clerks and the officials of the court for the courtesy and great assistance he had received throughout the whole of this important case, as it had been the means of rendering the prosecution much less expensive than it might otherwise have been, had he not availed himself of the assistance and information so kindly and willingly accorded to him.

**THE WILL OF THE RIGHT HON. SIR JAMES STEPHEN, K.C.B.**—The will of the Right Hon. Sir James Stephen, K.C.B., formerly Under Secretary of State for the Colonies, was proved in the London Court of Probate on the 18th October by Lady Stephen, the relict, sole executrix and sole legatee; the whole of the property, real and personal, being left to her absolutely. The will was made in 1842; the personality in England was sworn under £25,000.

**A COUNTY COURT AGENT COMMITTED BY THE JUDGE.**—At the Woolwich County Court held last week, before J. Pitt Taylor, Esq., judge, a very unusual scene occurred. It appears that during the examination of a witness, a man named Daniel Toner, well known in the districts as having practised for some years as a county court agent, loudly protested that the business of the court was carried on in an illegal manner, and otherwise interrupted the proceedings. By order of the judge, Toner was taken into custody and conveyed to the Woolwich police-station, where he was locked up, and a charge entered against him by Mr. Logie, the high bailiff of the county court.

**"NEVER TOO LATE TO MEND."**—Mr. Reade, the barrister, and author of the novel of "It is never too late to mend," has addressed a note to the *Literary Gazette*, in which he states that, having learned that one of the remonstrances against his novel having been to be just, "he at once condemned a portion of the stereotype plates of both his editions;" and, consequently, that "the sentences which reflect on some learned judge for deferring a sentence, and transferring it to London, and to judges who had not heard the evidence, will never re-issue."

The Queen has been pleased to appoint Frederick B. Carter, Esq., to be one of her Majesty's Counsel for the Island of Newfoundland.

## The Law of Attorney or Solicitor and Client.

(By J. NAPIER HIGGINS, Esq., Barrister-at-Law.)

(Continued from page 955.)

### XXV.

#### THE RELATION OF PROFESSIONAL ADVISER AND AGENT.

I now proceed to consider the duties, responsibilities, and disabilities of attorneys, arising out of their relations with clients, otherwise than, or, at all events, not necessarily, in proceedings before judicial tribunals; and, first, as to a

**Purchase from a client.**—An attorney is not under a positive incapacity to purchase from his client, as a trustee is in reference to purchasing from his *cestui que trust*; but yet the onus always lies upon the attorney, and even after a very considerable lapse of time, he may be called upon to prove that the transaction was fair; *Montesquieu v. Sandys* (18 Ves. 302); *Cane v. Allen* (2 Dow. 289); *Edwards v. Meyrick* (2 Ha. 68); *Knight v. Bosnyer* (6 W. R. 568); *Tomson v. Judge* (3 Drew. 313). In *Gibson v. Jeyes* (6 Ves. 267), Lord Eldon appears to have held the opinion, that the relation of attorney and client, as that of a trustee and *cestui que trust*, must have been definitely terminated—or, as his Lordship expresses the rule in *Cane v. Lord Allen*, the attorney must instantly put an end to the confidential relation, or put himself completely at arm's length—before he can purchase from his client. In *Gibson v. Jeyes* (p. 277), he says, "It has been truly said, an attorney is not incapable of contracting with his client. He may for a horse, an estate, &c. A trustee also may deal with his *cestui que trust*; but the relation must be in the same way dissolved; or, if not, the parties must be put so much at arm's length, that they agree to take the characters of purchaser and vendor; and you must examine whether all the duties of those characters have been performed." In the same judgment he appears to consider that there is not an absolute incapacity in the attorney to purchase from his client, and says, that "an attorney buying from his client can never support it; unless he can prove, that his diligence to do the best for the vendor has been as great as if he was only an attorney, dealing for that vendor with a stranger. That must be the rule. If it appears that in that bargain he has got an advantage by his diligence being surprised (putting fraud and incapacity out of the question), which advantage with due diligence he would have prevented another person from getting, a contract under such circumstances shall not stand. The principle, so stated, may bear hard in a particular case; but I must lay down a general principle, that will apply to all cases; and I know none short of that, if the attorney of the vendor is to be admitted to bargain for his own interest, where it is his duty to advise the vendor against himself; and so in *Montesquieu v. Sandys* (18 Ves. 306), Lord Eldon says, "what-

ever may be the conclusion with regard to the capacity to purchase of a person, having acted in the relation of an attorney, and who, if not continuing to act, had, by means of his transactions while holding that character, acquired at the expense of his client a knowledge of his property, the rule is clear if the attorney in the course of his client's transactions had acquired a knowledge of the value of the property, which the client had not; and with that knowledge made a representation and a proposal to purchase, as of a certain value, that which he knows to be of much higher value . . . the duties attached to that relation requiring him not to make it unless he knew the value."

*Edwards v. Meyrick* and other modern decisions, however, contain a more definite statement of the doctrine of the Court. "The rule of equity," says Sir J. Wigram, V. C., in *Edwards v. Meyrick*, "which subjects transactions between solicitor and client to other and stricter tests than those which apply to ordinary transactions, is not an isolated rule, but is a branch of a rule applicable to all transactions between man and man, in which the relation between the contracting parties is such as to destroy the equal footing on which parties should stand. In some cases, as between trustee and *cestui que trust*, the rule goes to the extent of creating a positive incapacity, the duties of the office of trustee requiring, on general principles, that that particular case should be so guarded. The case of solicitor and client is, however, different. In the case of *Gibson v. Jeyes*, there was evidence that the client was of advanced age, and of much infirmity both in mind and body; that the consideration was inadequate; and of various other circumstances. Lord Eldon there shows how each of those circumstances gave rise to its appropriate duty on the part of the attorney. In other cases, where an attorney has been employed to manage an estate, he has been considered as bound to prove that he gave his employer the benefit of all the knowledge which he had acquired in his character of manager or professional agent, in order to sustain a bargain made for his own advantage. But as the communication of such knowledge by the attorney will place the parties upon an equality, when it is proved that the communication was made, the difficulty of supporting the transaction is quoad hoc removed. If, on the other hand, the attorney has not any concern with the estate respecting which the question arises, the particular duties to which any situation of confidence might give rise, cannot, of course, attach upon him, whatever may be the other duties which the mere office of attorney may impose. If the attorney, being employed to sell, becomes himself the purchaser, his duties and his interest are directly opposed to each other, and it would be difficult—and without the clearest evidence that no advantage was taken by the attorney of his position, and that the vendor had all the knowledge which could be given him in order to form a judgment—it would be impossible to support the transaction. In other cases, the relation between the parties may simply produce a degree of influence and ascendancy, placing the client in circumstances of disadvantage; as where he is indebted to the attorney, and is unable to discharge that debt. The relative position of the parties, in such a case, must at least impose upon the attorney the duty of giving the full value for the estate, and the onus of proving that he did so. If he proves the full value to have been given, the ground for any unfavourable inference is removed. The cases may be traced through every possible variation until we reach the simple case, where, though the relation of solicitor and client exists in one transaction, and, therefore, personal influence or ascendancy may operate in another, yet the relation not existing in *habe re*, the rule of equity to which I am now adverting may no longer apply. The nature of the proof, therefore, which the Court requires, must depend upon the circumstances of each case, according as they may have placed the attorney in a position in which his duties and his pecuniary interest were conflicting, or may have given him a knowledge which his client did not possess, or some influence or ascendancy or other advantage over his client; or, noting the existence of the relation of attorney and client, may have left the parties substantially at arm's length and on equal footing. This seems deducible from the cases."

If, therefore, the attorney can show that the transaction was fair and clear, there is no difference between a purchase by him from a client and by a stranger; nevertheless, as the onus of proof lies entirely on the attorney, and as he may be called upon to satisfy the Court in years to come of the fairness of the purchase, nothing is more important to him in reference to it than that he should preserve evidence of its fairness. On this point, there is great force in the remark of Sir J. Stuart, V.C. in *Gresly v. Mousley* (6 W. R. 809), "If," said his Honour

"a solicitor will deal with his client and make a purchase, and take the conveyance by a deed, and take the title deeds relating to the property, the most valuable deed and evidence of title that he can have in evidence, preserved and to be found in his repositories, that he had dealt fairly with his client, and had bought the property under circumstances which could give him a good title to retain it."

But a purchase from a client, although it is not, as we have seen, void of itself, nevertheless, to be supported, must be open and fair. If an attorney, instead of openly purchasing from a client, purchases in the name of a third person, as his trustee or agent, without disclosing the fact, such purchase will be void. Thus, where a solicitor purchased, by putting forward a clerk of his own, not as a clerk or agent, but as an actual bona fide purchaser upon an absolute and independent contract, the transaction was not only set aside, but it was held that such purchaser was responsible for everything that might result from it; *Lewis v. Hillman* (3 H. of L. Cas. 609). "No man," said Lord Cranworth, in that case, "in a court of equity is allowed himself to buy and sell the same property. He cannot sell to himself; even in the case of a fair trustee, he cannot sell to himself. If he has the power or trust to sell, he must have some one to deal with. Courts of equity do not allow a man to assume the double character of seller and purchaser."

(To be continued.)

## Communications, Correspondence, and Extracts.

### LEGAL EDUCATION.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—As Mr. E. W. Field read a paper on the Education of Attorneys and Solicitors at the meeting of the Metropolitan and Provincial Law Association, the greater part of which related to articled clerks, perhaps you will allow me to make a few remarks thereon. He greatly complained of the indifference shown by the Incorporated Law Society in not altering the examinations, and following the plan which the medical profession has taken. He forgets that if a preliminary examination was decided on, all the clerks from the country would have to come up to it. But the portion of the paper to which I wish to draw your attention is, "that as part of the examination, books should be named on which examinations should take place." I think that is indeed required, considering the enormous number of works that are published on every legal subject, and particularly on conveyancing. Some solicitors have their favourites, who have published some treatise on a certain subject, and he accordingly tells his clerk that it is the best book for him to read. This clerk shortly meets a friend, who tells him that some other book is the best, and he immediately begins reading that; till he gets into such a dreadful state of confusion that when he goes up for his examination he totally fails.

If the examiners were to state what books they considered proper to be read by articled clerks, it would, to a great extent, do away with "cranking," although, do what the examiners may, they will never be able to put that down.—Yours obediently,  
Gray's Inn. AN ARTICLED CLERK.

### THE LAW OF PROPERTY ACT.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—The observations of your correspondent, "S. G.," relative to Lord St. Leonards' Act, evidence too truly the enormous inconvenience which must arise in conveyancing practice in consequence of the 24th clause of that Act, but what benefit does Lord St. Leonards imagine he has secured to the public by introducing such a clause?

It is at any rate new to me that it is so much the practice of solicitors to "conceal settlements, deeds, wills, or other instruments, with intent to defraud" a purchaser or mortgagee, that a special enactment is called for to restrain such practice; but even supposing some instances of such a character may have come within his Lordship's very extensive experience, is there not, I ask, already (without the new Act), sufficient means of punishing a solicitor for such an act by putting in motion the summary jurisdiction of the Court against such an offender?

I should like to know whether a solicitor is to be held responsible for the acts of his clerks, and be liable to a prosecution under the Act in respect of his clerks' defaults; as if not, the employment of a conveyancing clerk would virtually render the clause a dead letter.—I am, Sir, yours obediently,

AN ANXIOUS SUBSCRIBER.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—S. G., whose letter was published in your last number, seems to have forgotten that the rule requiring a sixty years' title is not arbitrary, but grounded on the present state of the law of limitations, which renders it impossible that a clear title of sixty years can be disturbed by adverse claims. Solicitors, therefore, will be clearly justified in suppressing earlier deeds, inasmuch as they cannot be "material to the title," and no one can claim under them, unless indeed in those exceptional cases where the abstract on the face of it shows the necessity for an earlier title, and here there is obviously no room for fraud. Again, with respect to short titles under conditions, it is the solicitor's duty, as it always has been, to declare any real incumbrance, the advantage of such conditions being only to save expense, where the vendor knows his title to be clear. With respect to mortgages, and any charge which, but for a subsequent discharge, would affect the land, ought clearly to be abstracted, as a vendor is not to be judge of the extent of the charge, or of the fulness of the discharge; and as to a deposit note of deeds with a banker for a fortnight twenty years ago, the deposit is the essence of the transaction, and the deeds being returned, there is no occasion to disclose the transaction.

Can any one explain why the 31st sect. was drawn as it is, instead of directly enacting that trustees "shall not be chargeable," and "may reimburse themselves?" There is an awkwardness and some risk in a reference and "deeming;" and, besides, if the clause deemed to be inserted were actually inserted, it would be nonsense on account of the words "deed, will, or other instrument."—Yours obediently,  
W. S.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—This clause may be very clear to those who understand it, but I candidly confess that I cannot. The first portion of the clause says that, "where there shall be a total failure of heirs of the purchaser, then the land shall descend, and the descent shall thenceforth be traced from the person last entitled to the land as if he had been the purchaser thereof." Who is intended by the person "last entitled" to the land? Suppose A. to be purchaser for valuable consideration, devises to his only child B., who dies intestate, leaving only a son C., who dies without heirs and intestate. B. would appear to be the last purchaser according to the Inheritance Act. A. and B. we will now suppose dead also, and without heirs.

In the above case would the clause mentioned (viz. 19) operate? and if so, how?  
ENQUIRER.

Nottingham, Oct. 27, 1859.

## The Provinces.

BATH.—*The Threat to Murder a Solicitor.*—Henry Brinkworth, who was brought before the magistrates of Bath a few days ago on the charge of threatening to murder Mr. Cox, solicitor, of that city, and who appeared to have been instigated by the impression that the complainant was preventing him from obtaining possession of some property to which he was entitled, has been committed for trial.

LEEDS.—*Yorkshire Assizes.*—A requisition is in course of signature, to be presented to the Mayor, Sir P. Fairbairn, to call a public meeting of the inhabitants of the borough, to determine on the steps to be adopted for holding assizes in Leeds for the important manufacturing districts of the West Riding.

SWANSEA.—*Two Judges of Assize for Glamorganshire.*—The magistrates assembled at Quarter Sessions, at Swansea, have agreed to memorialise the Secretary of State with regard to the advisability of having two judges for the county assizes.

SWINDON.—*Testimonial to a Magistrate's Clerk.*—On Monday last, a presentation of plate to Mr. James Bradford, solicitor, of this town, and upwards of thirty years clerk to the justices, took place at the Town-hall. The presentation, in the name of the subscribers, was made by Mr. Ambrose Lathbridge Goddard, M.P., supported by the Rev. Canon Prower, the magistrates of the division, and a numerous body of friends. The plate consisted of a noble candelabrum, weighing 159 ounces, and standing 36 inches high, having four lights, with centre glass for an oporgue, the lights being constructed to move, when silver baskets take their place for fruit, flowers, &c., the whole being mounted upon an ebony stand, with engraved silver corners and bowl ornaments; a massive silver salver



weighing 175 ounces, with richly chased border and engraved centre, the silver being 24 inches in diameter, and extremely fine; and a tea and coffee service, richly chased with flowers, in bold relief. Upon the shield of the candelabrum, and upon the centre of the salver, the following inscription was engraved:—Presented to James Bradford, Esq., by the Magistrates of the Swindon Petty Session division, and private friends, as a testimonial of their regard and esteem."

**TODMORDEN.**—County Court Registrar.—A. G. Eastwood, Esq., solicitor, has been appointed registrar of the County Court in this town. The office was in the gift of his Honour, C. Temple, Esq., Q.C., Judge of Circuit No. 5, and Chancellor of Durham. Mr. Eastwood is the gentleman who, in Hilary Term, 1847, passed his legal examination with unprecedented success.

**KNARESBOROUGH.**—Memorial to the late S. Powell, Esq., Solicitor.—The committee for carrying out this object, held a meeting at the Court-house on Tuesday afternoon, B. T. Woodd, Esq., M.P., in the chair, for the purpose of receiving tenders for the erection of a tablet in the parish church, agreeably to a resolution passed at a previous meeting of subscribers. A design, which had been approved of by the members of the late Mr. Powell's family, was adopted. The tenders being submitted to the committee, it was decided to accept that of Mr. Mawer, of Leeds, subject to any alteration in the sum that may be caused by the altered design. In accordance with a resolution passed at the last meeting of subscribers, it was agreed to invest the sum of £100 with the Knareborough Improvement Commissioners as soon as they are prepared to accept it. The interest received from the Commissioners will be distributed yearly at Christmas to sixteen poor widows above the age of sixty, residents in Knareborough and Scriven.

## Metropolitan and Provincial Law Association.

### LEGAL EDUCATION.

The following paper on "Legal Education, Preliminary and Professional, and on the Comparative Anatomy of Legal, Medical, and other professional Education," was read by Mr. E. W. FIELD, at the meeting of the Association, held last week.

There can be no professional subject of greater interest to attorneys and solicitors, than that which relates to the education of their body. The whole subject of education has, within the last quarter of a century, assumed a magnitude in the public eye quite astounding to those whose recollection (like mine) extends hard upon half a century back. The derision then thrown on almost all educational projects (particularly on those for "hewers of wood and drawers of water") has given place to the profoundest respect. The Stinkomalees of that day are now more probably overlaid with titles of honour. To wide-spread extension of education all, to whom the future prosperity and dignity of this empire is of import, look for the main (some for the only) security against the risks certain to attend on any enlargement of the basis of political power. While there is a wide misgiving as to the value, and probable result of any and every particular scheme of organisation, there is, now-a-days, at the same time, a new, but almost universal belief, that if you can make men wiser they will not be worse. In what proportion, therefore, any body or class among us has carried out a thoroughly studied system of education, in that proportion it now commands the public confidence and respect. Such of us whose memories run back a long way over half a century, can speak to the great rise of influence and station in the clergy. Their relative pecuniary position is the same, or even probably worse; but their moral and social position and influence, relatively to that of other classes, has greatly risen. Individual solicitors here and there stand as high as ever; but there is a sadly too large number whose odour is certainly not the odour of sanctity and high-mindedness, whose very presence lowers the character of our whole class. I do not ignore other and deeper causes, but this change in the position of the clergy certainly is in no small degree to be attributed to the much higher education now required of every one of the candidates for ordination.

I could go to medicine, or to other less marked bodies for further proof; but I think you will admit it unquestionable, that the status of our own body in the country, our powers of usefulness, our aims, and in no small extent our professional code of morals and the degree of gentlemanly under-

standing existing between us, very mainly depend on the thoroughness of the system of professional education which we may pursue. The objects we all have at heart in forming the Metropolitan and Provincial Law Association; the objects had in heart by the founders of the society in whose splendid building we are privileged to meet to-day; will be unquestionably more promoted by the thoroughness with which the educational system of our body is planned and carried out, than by everything else we can do put together. Require and enforce a high standard of education, general as well as professional; let it be certain that every solicitor has had—1st, the education of a gentleman; and 2ndly, a thorough training as a lawyer, and you will find all else comparatively easy of accomplishment. Might it not even be, that those most grave and discrediting cases of professional delinquency, which have in more than usual number occurred of late, would be less frequent.

The Metropolitan and Provincial Law Association has, I need hardly remind you, from its establishment, thirteen years ago, placed the question of professional education at the very front of its objects. In 1847, an important address was issued by your committee upon it. Till 1852, we continued to agitate the subject. In that year we organised an extensive correspondence among our own members, and also among all the local law societies, in order that the whole body might, as far as possible, concur as to what educational regulations would be most desirable for us. A singular unanimity of view was arrived at. The conclusions we all came to are fully detailed in our report for 1853. It was felt by us that the Incorporated Law Society was the body which should be charged with carrying out the views of the profession; and, accordingly, all the papers were committed by us to that body in January, 1853, where they have remained, in gremio legis, almost ever since.

The Incorporated Law Society, or rather a selection from its Council, is, on the matter of legal education, the representative of the whole body of solicitors—10,000 in number. The applicants, through us, to the Council, probably represented 1-3rd of the 10,000; and this long negligence seemed to many of us a slight on the body at large, and to savour of a claim on the part of the Council that this matter was their property, for them to deal with when and as they pleased. Be this as it may, great bodies with solemn and solid organisations, essentially require long periods of time for the performance of all their constitutional functions. For an elephant, the period of gestation is, I fancy, two or three years. So we waited, with all the patience we could muster for the gestation of the Incorporated Law Society, until the autumn of 1857—nearly four years—when some of us, at our Liverpool meeting—(I was one of the unquiet spirits)—took to ourselves sorrowful thoughts that the Cæsarian operation must be resorted to—a safe one with a corporation—for, while the human mother is lost under it, you know corporations never die. And, accordingly, at the meeting in St. George's Hall (at a splendid meeting, which will not be forgotten by those who were present), a debate took place on this subject. This debate is reported in our Circular No. X. It was renewed the next year at Manchester, and again, I believe (for I was unfortunately not present), at Bristol last year. However, I do not intend to go into the history of our extractive and accoucheur efforts upon the great corporation whose guests we are to-day. But I should not be dealing with the subject with that candour for want of which I am sure the Council of the Incorporated Law Society would despise me (and, what is more, for want of which I should despise myself), did I not say that, with great respect for that body, it owes an apology to the profession for the long and perverse costiveness which it has evinced. Having said so much, I am willing to let bygones be bygones. The Bill for amending the law as to attorneys, which so nearly passed the Legislature last session, was the result of this long agitation of ours. Valuable as that measure would have been, it does not come, in two or three important respects, up to the point of the almost unanimous recommendation of this society, and of all the law societies of England.

Our Association presented, I believe, a petition to the Legislature strongly in favour of the Bill, pointing out, I understand, the matters requiring improvement, but expressing our desire not to risk the passing of the Bill on their account. As the Bill will have to be re-introduced, there is now a locus penitentiæ for these errors. Beyond this, the question of professional education has assumed new aspects since we came to our conclusions in 1852; I allude

especially to the important statute of 1859 as to the medical profession, and to the institution of the middle class examinations by the two great English universities. And I do not, therefore, think that our society can be better employed than in reconsidering the subject to-day; and particularly in reviewing its old views on the points which are in issue between us and the Incorporated Law Society.

The differences between our two societies are honest differences of opinion among men who, I am quite confident, have a common object in view. And the value of having two societies is mainly that they are mutually corrective, and that the views and acts of the one are sure to pass under the friendly, but impartial, and perhaps somewhat jealous, strictures of the other. I have heard it often asked, "Why not amalgamate the two societies?"—and have heard it answered (rightly I think) to the above effect, by many warm friends of both societies, including not a few members of the Council of the Incorporated Law Society itself.

There is another reason why I would desire to elicit some public debate on this subject. We in all our doings, are an open body. Our Committee-men we appoint in very large numbers, in the hope of greater publicity as to all we do. We print and circulate all our minutes as widely as ever we can, and we call these annual meetings to ensure full and lengthened public consideration to all that concerns us. The Incorporated Law Society, on the other hand, if it does not shy, certainly does not court publicity. The Council, with its President, are the Dogs and the Council of Ten of our body; or, perhaps, I should say the Council is our House of Lords, sitting with closed doors. It never hears a debate of the body at large. Its annual meetings are the duller things in life. The fewer outsiders there, the better; the Council are, or seem to be, pleased. "Least said, soonest mended." It has dealt, therefore, with this matter (as I consider) under a great disadvantage. Some of their body met a deputation of ours—and I believe I was our spokesman—and I certainly understood there was a complete coincidence of opinion with us on the point we are now at variance upon. Afterwards, however—a year afterwards, I dare say it was—at some one of their closed-door considerations, they changed their minds again, which, I believe, they would never have done had they been under the healthier influences of open argument.

I would now beg to take you cursorily over this very interesting subject.

In my student day, there was no such thing as a qualification (in the moral and mental sense of the word) required for an attorney. A man might become an attorney, as he still may (to the disgrace of the Legislature be it said, and of the benches also) become a barrister, without ever possessing himself of the slightest particle of legal or business knowledge. And many did so. Thanks to the Incorporated Law Society, this great disgrace was, to a considerable extent, taken away from our branch of the profession, so far as mere legal knowledge goes, some quarter of a century ago. But, if we are to rely at all on university experience, the method then taken was of the crudest and most insufficient kind, very admirable as a first step, if we consent to regard it as such, but most objectionable if regarded as a permanent standpoint. A number of men, fully occupied in the practice of large professional business, were appointed examiners—certainly, the only men who could be taken at the instant, and as a stop-gap, but not at all the men who I should expect to be active professors of a law university. No professional system was propounded, nor any good plan for giving out the subjects for study, or preparing the questions for examination. [A paper criticising the questions of former years would be a most useful one, and would fully show from internal evidence, I believe, all that I am trying to establish from external.] One day's examination, altogether in writing, was imposed on each candidate, after his articles had expired. The law so established has remained without improvement ever since. As to that basis of general knowledge on which special professional knowledge can alone be well built, no requirement was then made, or has until the Bill of last session been proposed to the Legislature. I complain that the majority of the Council are bigoted in their belief that this first product of their brain was a Minerva, complete and armed at all points. I say to them, "human brains produce no absolute wisdom; and as to the armour of your goddess, she wants all the newly discovered weapons of precision." So devout, however, is their veneration for their twenty-five years' old divinity, that they have asked to take the nation into their confederacy, and to establish and eternise her worship by Act of Parliament.

The effect of requiring one, and but one, examination at the end of the curriculum is obviously the same in law as in medicine, or in arts (as taught in the universities). Let us, therefore, see what the effect was there. At Oxford, for instance, they have altered the plan, because they found it necessary to make it "impossible" (I am quoting) for a student to "waste all but a few months of the university career."

Well! But what do our students do? Practically the bulk of them commit this waste now. They don't begin to study the law and read, in downright earnest, till the last few months of their time. And what they do then is not a real attempt to learn their profession, but merely one to pass through the examination sieve. They probably go to a "crammer." They get a book of all the old questions put in past years, with answers (desperate bad, by the way, some of the answers are) put opposite, like a catechism. They grind in this. "Grind" is the word, and a mill it is. And then they come tottering into this hall to their examination, under as large a load of crammed knowledge as their memories can stagger under—I say nothing now about the questions: too many of them are such as must be crammed for, and never should have been put—to forget it all if they can (and to hate it too) as soon as it has served their turn. "Quick come, quick go." Learning, to be permanent, must be taken in by slow degrees, one thing after another; its principles must permeate the mind. A small quantity well stored is infinitely more to the purpose than bushelful stowed in the heap. Good timber is of slow growth. On the schoolboy daily studies are imposed. Daily attention is secured by daily examination. He is article. You expect him to continue his habit of daily study in his new profession. How important to his character, as well as to his legal knowledge, would it not be that he should. You tell him to read daily, and then to come up that day five years and say his lesson!

For the universities, it is claimed that this change of plan from one final to several examinations at intervals "has broken down" (I am quoting again) "the spell of the old final school, with its spurious completeness, so imposing to the imagination." The final school, with its spurious completeness, so imposing to the imagination. I wish our friends in the Council Chamber of this building could hear this, for undoubtedly they have allowed their imaginations to impose on their own minds a belief in the completeness of their present spurious system—a system at variance with all experience. I hate this plan of relying on one's own private internal imaginative arguments and a priori reasonings; setting at naught the conclusions which external facts and inductive evidence would have brought us to. We English are called a practical people. I believe we are as great a set of geese in this particular as ever existed. We never will consent to look outside our own narrow set, and try to find analogous experiences. If we did we should go to the universities, and, more analogous still, to medicine. What is the experience there? Is the one final examination found to answer by them? By-and-bye I will go to the important Act of Parliament passed to regulate medical education, and compare it with our proposed corpus juris. But now I am asking only as to the experience of the old examining bodies in medicine. See what the College of Surgeons said the other day, or had said for them:—

The medical profession and the public generally will be glad to hear that the new system of examining candidates for the diploma of membership for this college, determined upon by the Council, has come into operation. By its aid, it is hoped that the acquirements of the candidates who offer themselves for examination, will become efficiently tested; hitherto, and it is especially sought to discontinue, the plan of preparing for examination by what is called "grinding," or "cramming"—i. e. substituting the mere catechetical instruction of a grinding tutor for the study of the fundamental principles of the art of surgery in the dissecting-room and in the wards of the hospital. The student is now required, in the first place, to prove that he has practically studied anatomy by an examination upon the dead body, and, on another day, he has to furnish written answers to questions in physiology, for the functions of the economy. These two tests, which are termed the "preliminary examination," cannot be submitted to, until the student has furnished proof that he has completed two years' study in a medical school, recognised by the college as offering due guarantee of being able to conduct an efficient education. After he has passed four years in such study of his profession, he may present himself for the two final, or post-examination, in pathology or surgery, the one oral, the other written. By the system of examination now abandoned (except in a few particular cases) all these subjects were inquired into on the same evening, the student having been obliged to submit to a single examination at the end of his studies.

The recent alterations of the College of Surgeons require two years in a medical school, with a hospital, and so on, sufficiently large to give the requisite experience in the



student (I believe 100 beds, professors, &c.); then two examinations on different days—one demonstrative and oral on the dead body, &c., the other written. Then two years more, and two final or pass examinations—one oral, one written. And this plan is expected to prevent grading and cramming, and to substitute for it a steady course of study. To this the late Act, we shall see, has added the necessity of a training in general learning (or arts) by no means slight.

Ought we to be behind medicine? Do we wish our profession to rank lower in the public estimation than the medical profession? Look at the vast mine of good lying at your very feet! We are the father-confessors as to civil affairs to every man with any property in the kingdom. Each such man's doings, and even his principles, are deeply influenced by us. Raise the character of our body and you raise that of the nation. And to raise our character there is nothing like arranging for each of us a long four or five years' curriculum of honest, earnest, abstract study of our profession, and doing away with the present sham and degrading test.

But to return to medicine, I would ask, have we got anything like this course of education? Are our authorities aiming at anything like this? Are they aiming at anything at all? Have they any scheme of policy, and of systematic improvement whatever in their minds? Will their new Act of Parliament admit the adoption, from time to time, of new improvements, as from time to time their advantages may become manifest? No, I will not. They are doing their best to fix the present system upon us (themselves remaining the governors) for all time, to stereotype and crystallize it. Till we could further and new Act of Parliament shall be passed, we must remain in the way which all other professors have exploded, and must continue to delude our imaginations with this spurious completeness of this sole final sifting of our student's brains; to reduce a claim to have a body of law, not I am not a believer in commissions of inquiry. If the constitution of this country throws on the Chancellor, say, the duty of making proper rules of practice for his court, I don't think he should appoint a commission to do the job, or three parts do the job for him. But I believe commissions are better than no inquiry at all. And I believe that if the Council of the Incorporated Law Society had appointed two or three men—a university man, a medical professor, and others of experience in teaching, and in what may be called the schools—they would have presented a Bill for Parliamentary sanction differing only in a few words from that of last year, but wholly different in effect. Its immediate aims would have been different, and it would have had a principle of elasticity and adaptation to future states of knowledge, on the science of education (time science for all branches of knowledge), now carefully excluded. Moreover, it would have fully inquired into, and exhaustively investigated many important questions—yes, for instance, whether certain books should not be named in which the student would be examined; namely, whether some part of the examination should not be oral; also, whether all should be gone through at one single sitting of, I think, six hours' duration, as now, instead of at three or four sittings of one or two hours each; also, whether other subjects should not from time to time (perhaps after two or three years' notice) be introduced. One I will instance, book-keeping, particularly mercantile book-keeping, in which, as a body, we are lamentably ignorant. A permanent professional body, too, would have taken care to have had its examination papers prepared on a more thorough system, and, if possible, by professors (so to call them) whom it would have attracted (as is the case in medicine) to that particular service. Hundreds of lectures are delivered in this Hall, but it has not one solicitor (and I doubt if it ever had) acting as lecturer. And yet I have the honour to have, was one of my hearers a solicitor, Professor of Law, at the Queen's College, Birmingham.

To return, however, for a moment to the great question at issue between us and the Incorporated Law Society's Council. It was thus asked in the *Solicitors' Journal* of 23rd of April last, and, I think, well asked—

Would the interest of professional learning be best served, first, as proposed by the Incorporated Law Society, by a preliminary examination before admission into the university, would be called a "first year," and then by a further examination (say, at the end of five years, and with no inquiry whatever as to the student's intermediate pursuits; or, second, as the local law societies propose, by encouraging, if not requiring, one or more "intermediate" or "intermediate" examinations, during the five years' curriculum?

There can be no doubt that the problem is a general one, determinable

by the qualities of human nature; and not a special one, different for law and for other branches of knowledge.

The examinations of the Incorporated Law Society are officers for the public; and the rules they make and the practice they follow should be influenced by the experience of all other bodies similarly situated.

I have referred to the experience of some of the parallel bodies. I might have referred to that of others—to that of the Court of Examiners of the Apothecaries' Company, to the late addition of a third examination to its old curriculum by the University of London, and so on. But it is not necessary to take up your time. It is, without exception, alike in all; and it is that the scheme of one sole final examination is a delusion.

Having mentioned the Apothecaries' Company, I should do injustice to my strong conviction of the true maintaining of the remarkable movements onward in medical education, if I did not say that I believe that the Examining Board of that valuable corporation was such maintaining. From the year 1820, if not earlier, I believe it will be found that their efforts have been unceasing; that, from year to year, new subjects have been added to their requirements, and new examinations also (not one final, one only), until the medical curriculum is becoming a most arduous and honourable one. Up to 1815 (I think, is about the date), any quack, in the land might practise medicine or surgery, and now we have all the requisites to secure a most learned profession. The branch of medical practice which has mainly done all this is the one most analogous to our own.

Now, why is not the experience of all these parallel bodies good for us? The proposal of our Association was at most innocent one. We said, "You have now four examinations a year—one each term. You have (I think) seven sets of questions at each. One on conveyancing, one on common law, one on equity, and so on. Permit any articled clerk to go up, at any time of his articles (or during the last three years, if you prefer, but make it permissive only as first, if you doubt the experience), and let him submit himself to be examined on any one of these papers. You now require answers at your present final examination, of say 50 per cent. of your questions. [I may be wrong about proportions.] If a man, under our proposed new rule, should go in for a single paper only, require 75 per cent. if you like." But "your requirement fulfilled, let it count as a pass on that subject." And if a man does go up at four or five different times, then, said we (echoing Oxford experience), "It will be impossible for that student to waste all but a few months of his career." Which, said we (in addition), "You must strongly tempt him to do now—for, read as he may before, eras over again, he now must at the end, it will more over (said we) be far more agreeable to the young man. For, although involving a longer period of work, it will greatly take away its anxiety. A young man has five years before paid to Government large stamp duties, and to us a large article fees, and has spent five of the best years of his life; and the result of the examination is so very serious to him as often seriously to injure him. (Let me, myself, mention a case of a valued young friend of mine, who recently passed, and soon after died, I am sure through the excitement attendant on the present system.)"

This is not what we want. Training, we said, is the thing that is wanted. Secure that if you can. Train up a child, &c. we said; and said we "what is true of a child is true of a student, also, whether he be of arts or medicine, or of law."

What say the Council of the Incorporated Law Society to this? It is not easy to tell, particularly, as when we saw them, they quite agreed in it all. And as I have said, they sit with closed doors. Though they represent 10,000 of us, the *Times* have no reporter there. But they certainly say (or rather the majority say) no, we don't agree. And as to reasons why, I understood the principal one to be that they have now to certify to the judges that the man they pass, at the time of passing, is, so to say, an able-bodied scullion—that he is completely armed at all points—carries about him the whole and entire armour and panoply of the law. I should not like to give such a certificate unto any other man; and of myself I will certify it never was so, is not so, nor ever will or can be. But be that as it may, let the form of certificate altered. Do not damage our whole profession, and all its prospects and status, and the whole system of education, for that. You cannot ascertain any such thing. If it were ascertainable, that or five hours would not do it. Assure yourselves that if a man has had a thorough training, and, father, that he knows how to find



a thing out, than that he actually knows it; that he knows where to put his hand on his weapons; than that he has them in hand. For a student to know where there are underlying difficulties—that there are pitfalls in the way, is far more to the purpose, than that he can make a map of the particular pitfall;—than that he should know the right solution of any special legal problem you may propound to him. To use a vulgar expression—all other properties you can endow him with, put together, are of less value than one single ha'porth of wide-awake. What prosy, useless old fellow is there like a book-lawyer—a mere precedent-grubber. A man of this world is an idiot to take (at least to be governed by) the advice of such. Training gives wide-awakeness; cramming is the action of the black-letter man. If, however, say we, to the Council of the Incorporated Law Society, you consider that we have nothing to do with training, but only with the momentary state of knowledge at the time of examination; then you must abolish the five years' articles; the provision as to one year with a barrister, one with an agent, and so on. These provisions all indicate a determination by the Legislature that there shall be training, as well as knowledge; certainly they are tests of the student's toughest kind, but right and good as far as they go. Make them as perfect as you can; and use, as well as you can, that they are being applied to answer the training purposes for which they are enacted.

Now, to all this I suppose there is some answer in the corporate mind of our most worthy hosts. I know it not. But this I know, that we further say to them—

At any rate, give power to the Judges or the Privy Council (as in the Medical Bill) to allow intermediate examination, and otherwise hereafter to improve the system without a new Act of Parliament. If it should hereafter first be that our society, all the country Law Societies, the universities, the medical bodies, &c., are right, and you are wrong, as to this, the spuriousness of the test of final examination, such power reserved will be all-important.

And that to this they answer—no. We are right; and will stop all agitation by you men if we can.

They will now take leave of this part of the subject. The other points are of minor importance, and will be best thought out, I think, by the short companion, I propose now to draw between the Medical Education Law, as now established, and our Legal Education Law, as proposed, to be established by the abortive Bill of last session.

There are, you are aware, a considerable number of medical bodies in England, Scotland, and Ireland, each by law entitled to grant degrees or make licentiates in medicine and surgery; and you are no doubt aware that these bodies understand one another to get students as customers, and that the curriculum and amount of knowledge required by some of them was scandalously insufficient. There also, were difficulties as to the rights of licentiates of one body to practise in what we may look on as the territories of another. The Act of 1868 (29 & 31 Vict. c. 90), "To Regulate the Qualifications of Practitioners in Medicine and Surgery," is the result of many years of agitation and conflict among all these bodies, and is the solution of all these difficulties. The Act first recites "that it is expedient that persons requiring medical aid should be enabled to distinguish qualified from unqualified practitioners." The scheme of this Act is to establish a general council of medical education for the three kingdoms, consisting of members, one elected by the College of Physicians, one by the College of Surgeons, one by the Apothecaries' Company, one by each of the four English universities, some from Scotland, and some from Ireland. The old licensing bodies for rather we should call them medical schools or colleges are left intrusted with their old duties of teaching, but to the new Council is committed the duty of superintending the course of study and examinations pursued in each school, and of applying to the Privy Council to suspend the licensing powers of such school, if it falls away from the required marks; or rather, I should say, from such mark as for the time being is required; for the power of varying and extending the educational requirements is limited only by the right each educating body has of appealing to the Privy Council. On the new Council is imposed the office of publishing an annual medical list. And the right to sue for fees, to give the various medical certificates, to be exempt from parish charges, juries, militia, &c., depends on inclusion in that list. There are powers of erasing from the register, but these are foreign to the purely educational questions I am addressing myself to.

You will observe that this Act of Parliament forms, in

effect, one university for the three kingdoms for both branches of the medical profession, and recognising the necessity of, more or less, one education for both. I have said that our Bill of last session convinces me that the Council of the Incorporated Law Society have no future scheme of action in view; no policy for the future on this subject. Their policy, I am satisfied, should be to arrive at what is now accomplished for medicine and surgery. One university for both bar and solicitor for England—the two offices (so long as they continue two)—being the higher and lower degrees in it—and, as a consequence, one roll for all courts and purposes in the kingdom. I dare say the bar will not move in this direction. But with the principle of competitive examination, now so firmly established for other branches of the civil service, it is not likely that the rules as to barristers of five years or ten years standing, being *two facts* qualified to become servants of the State in the most important of its functions (the department of justice), will long be tolerated. There is no doubt a great enlargement in the constitutional basis of power about to take place in this kingdom. All our political masters seem to have agreed on this. Though I am one of those whose politics are what we somewhat impudently chose to call much more "advanced" than most of my brethren here, I cannot expect wholly unimixed good from this enlargement. But one result will assuredly follow as no distant day. The privileges and monopolies of the Inns of Court, and their aristocratic arrangements will come under revision, and the best educated and best prepared man will be made eligible to the public legal service, without reference to the number of dinners he may have eaten in Lincoln's-Inn or the Temple.

To resume. The Medical Council, on the 3rd of August last, appointed a committee to consider the question of education. That Committee has now reported; and the Council has communicated that report to all the licensing bodies. I have been favoured with a copy of this report by a valued friend of mine, a member of the committee, who takes deep interest in what we are doing in our profession, and I now hold it in my hand. This report, together with the observations of the Council of Education on it, are full of interest for us. They point out the three divisions of the subject:—

- 1st. The preliminary general education, and
- 2nd. The purely professional education. And
- 3rd. [What would not arise with us until the whole profession of the law is under one university system] the conditions on which the higher qualifications in the profession should be granted.

With reference to preliminary education, the Council are of opinion that no person should enter the medical or surgical profession, who has not received an education in general knowledge, such as will be equal, at least, to that required by the National Educational bodies. They believe that with the exception of a very few, though important branches of knowledge, the education and mental training of the student destined for the medical profession, ought not to differ from those adopted for other professions. And, therefore, they are of opinion that it would be unwise and unnecessary to create any new machinery for this purpose.

So much for general education preliminary to that which is especially professional. Now, as to professional education, the Medical Council propose—

That the professional examination shall be divided into at least two distinct parts—one not before two years of the (four-year) course; the other at the end—both partly in writing, partly oral; and all this is so devised as to be changeable from time to time, as events shall show change to be desirable.

Our Bill, on the other hand, is sedulously framed so as to exclude this, now and for all time hereafter, and to establish a rigid and inflexible system for evermore. Now, we all know, that the wisdom of to-day is the folly of to-morrow; that the best scheme is that which is the most pliable, and can accommodate itself most readily to the altered circumstances of after time. We lawyers particularly know this, say from charity deals. Most were done with great thought, and yet none fit the wants of the present age.

We have no tendency more remarkable than our ready conviction that our own stupid conclusions will hold good for ever. With our educational scheme, therefore (particularly where, on the whole matter, there is so little of special experience as yet to guide us), the scheme above all things, must be flexible.

Again, our proposed Act of Parliament makes no provision for the rise of new educational bodies. The Oxford and Cambridge middle class examinations are an institution of yesterday. Suppose something new of the same sort should spring up. The Medical Council would immediately avail themselves of it; we could not. Again, by some strange oversight, the matriculation examination of the University of London, a much more severe test than the new middle class examinations (and any similar examinations passed on the road to a degree at the other universities) ought to qualify for a four-years' period of clerkship. This, no doubt by oversight, is omitted.

The conclusions come to as to general education are as follows:—

1st. That all students (beginning professional study after Sept. 1861) must pass an examination in general education.

2nd. That, as far as may be practicable, testimonials of proficiency granted by the National Educational bodies, according to the following list, be accepted, with such additions as the Medical Council may, from time to time, think proper to make.

A degree in arts of any university of the United Kingdom, of the colonies, or of such other universities as may be specially recognised from time to time by the Medical Council.

Oxford responsions or moderations.

Cambridge previous examinations.

Matriculation examination of the University of London.

Oxford middle class examinations, senior and junior.

Durham middle class senior examinations.

Dublin University entrance examination.

An examination by any other university of the United Kingdom, equivalent to the middle class examinations of Oxford and Cambridge.

3rd. That the examination on general education be eventually left entirely to the Examining Boards of National Educational Bodies, recognised by the Medical Council.

Now, the principal differences between this scheme and that about to be enforced by the Council of the Incorporated Law Society is, that, as to us, the examination in general education is so defined by our proposed Act of Parliament that it cannot be varied. For instance, although the Queen's University in Ireland sends one member to the Medical Council of Education, its degree is not enumerated in the medical list as one sufficient. I have reason to know what slender acquirements have sometimes procured that degree; and, probably, on that ground the Medical Council have omitted it. But if the Queen's University becomes a more strict and efficient body, the Medical Council would have power to adopt their certificates of general education. And so on of all the other enumerated examining bodies, and of any new ones which may hereafter come into existence. Our Bill, on the other hand, by the 2nd section, adopts for all time a degree of the Queen's University in Ireland, however inefficient it may continue to be, or however worse it may become. So, again, as to the matriculation examination of the University of London, which certainly ought to be held equivalent to the middle class examination of Oxford and Cambridge—but which (being already, and not hereafter, established) will not make four years' articles sufficient.

The great point of difference, however, is, that the medical profession have wisely determined, if possible, to have nothing to do with the general education examination, beyond seeing that the examination is an efficient one, and not to appoint special examiners themselves. They think (rightly I am sure) that all this work should be done by the great general educational establishment which the country happily already possesses.

Instead of merely giving power to the three Lords Justices and the Master of the Rolls to make regulations, it would have been better to give them power to appoint others (say, for instance, such retired judges as Sir John Patteson and Sir J. Coleridge), to deal as commissioners with the subject.

Again, there should be power to a judge in any case to allow, by special order, more than one year of the articles to be passed with a barrister, or with the town agent.

People say, how can you work your scheme practically? So far as intermediate examinations are to be in writing, there would be no difficulty in the world, even if you made them compulsory, as I think they should ultimately be. Our profession presents peculiar facilities. You could compel an examination every year (or oftener, even), without any hardship to the clerks. Take a leaf from the new middle-class

examination book. Appoint one or more solicitors in every town as assistant examiners. Give the clerks in the district (you have them all registered) notice of the day and hour, the same for all England. Send by post a sealed packet of the questions, to be opened after the clerks are assembled. Let the assistant examiners pack up and re-post to London all the answers before the clerks leave the room, to be investigated.

But what a labour for the examiners, you say. Certainly, and they must make a business of it, and be paid. But what would be a five-guinea fee, or even a ten-guinea fee, for each article clerk to pay on registering his articles? Nothing, looking at the immense advantage he would gain.

I should have greatly wished to have had time to give a full description of the scheme of legal education in America. The extent to which American text-books have come into use here of itself shows how well legal education is attended to there. Our profession is there almost the only road to political power and distinction, and the education of the lawyer is there of the most thorough kind. The professors there are the very highest judges of the land. Story was one. While he was a Judge of the Supreme Court of the States (a jurisdiction more nearly equivalent to our House of Lords, or the Judicial Committee of the Privy Council, than any other I can liken it to); he was also professor of the chief law university of the States, and prided himself more on the second position than the first. The scheme of legal education is partly work in an office, like that of our article clerks, and partly attendance on lectures, with constant examinations, moot exercises, and the like. A most interesting account of all this will be found in Judge Story's life (a book easily obtained at a small price, and which I could wish to find, with other works cognate to our profession, more in our hands). I believe such a system as this to be the system we should aim at; and I wish that the Council of the Incorporated Law Society had a clear policy of aiming at such a result. The proposed Bill would then be very little indeed different in words, but far more valuable, in my opinion, in substance.

One word yet of apology for myself. My friends, whose doings I have been criticising, will perhaps say—Who are you that you put yourself so forward in the matter; and what are your special grounds for pretending to know better about the subject than we do?

From the beginning of the action of the Metropolitan and Provincial Law Association on this matter I have been active in it. I introduced the subject at Liverpool and Manchester, and I was appointed spokesman for our body at the conference we held with the Incorporated Law Society. I have had more to do with young men during the last year or so of their articles, and for the year or so after, than most. So considerable a number, indeed, that I am deeply proud and gratified to say, upwards of one hundred of them, united last summer to present to my wife my portrait, as a token (as they have kindly inscribed on it) of respect and affection for the old master. Few men here can have had 100 clerks all alive and communicable with. This token I cannot but look on as a sort of general retainer for the probably short remainder of my time of action, to keep a look-out in the interest of the students of our branch of the profession—a look-out I shall certainly keep on amore.

I will conclude with a summary of the points I have desired to establish:—

1. The leading object of this Association is to elevate, if we can, the character, position, and public usefulness of our body; and all other methods of effecting this, put together, will do less than will be done by requiring from all candidates a high general professional education.

2. That the right method of effecting this object should be determined, not by a priori reasoning of our own, but by the experience of universities and other schools.

3. That all experience has now condemned, and all other universities have now abandoned, as delusive, the test of one final examination: and are attempting instead to secure long courses of study and training.

4. That examinations are far better done by professional teachers and examiners than by any of our own body not mainly devoted to professional work; and that our committees should be overlookers of their work.

5. That as to preliminary education; the conclusions of the Medical Council are right, and that we should hand over these examinations "to the examining boards of the National Educational Bodies."

6. That these bodies should not be enumerated in our



Act of Parliament, but should be variable from time to time.

7. That, as to professional knowledge, we should aim at ultimately having the admission to both bar and attorneyship, granted as the granting of two academical degrees; and in the meantime, we should aim at having more academical methods of instruction, and having the student not left, as now, purely to his own private unaided reading. We should aim at raising up some professorial body among us, and at having our examining boards constituted, as much as possible, of those engaged in teaching students professionally, our present examining bodies becoming the managers and controllers—as is now becoming the case in medicine.

8. That, as soon as practicable, we should require as many examinations to be passed by our students as are found expedient in the universities and in medicine, and in the meantime, should permit and encourage the division of our present final examination into several.

9. That, as part of the examination, books should be named on which examination should take place, and that examinations should be partly oral, and I will add that practical work should be given as part of it (e.g. a short abstract for each candidate to write an opinion on, and papers on which cases should be prepared by him, and the like).

10. That more days than one should be given to the examination, and shorter hours each day.

11. That all the regulations should be flexible, and open to variation by the judges.

That the judges should be enabled and invited to depute their legislative power to retired judges, with more leisure than they can have; or that the whole power should be given, as in case of the medical profession, to the Committee of Privy Council.

And that the judges should be empowered, on special application, to allow such regulations as those restricting the time with a barrister to one year to be varied in any special case.

12. Above all, that we ought to have a fixed and distinct policy as to future improvements in our mind; and that our Act of Parliament should be drawn so as to recognise the possibility of improvement, and provide for it (and not to negative it).

Twenty words inserted in the Bill of last session, and as many struck out (perhaps ten each way) would accomplish all these twelve points.

Mr. YOUNG (Desborough & Young) said:—Sir, as a member of the much-abused Council of the Incorporated Law Society, I should like to say a few words. I will at once admit, that the Council of the Incorporated Law Society are open to any criticism to which the contents of the Bill of last session may fairly expose them, because that may be taken as their matured opinion of what is possible, at this particular time, on the various subjects with which it purports to deal, considering the state of opinion in the profession, and in the two branches of the Legislature. The present Lord Chancellor approved generally of the measure, and undertook kindly to take charge of the Bill, which was passed by the House of Lords; but when it came to the House of Commons it met with opposition, the most important of which was an interested one. That ended in an appeal to the Treasury, who were entirely satisfied with our explanations, and determined, as far as the Treasury was concerned, there was no objection to the Bill passing. Unfortunately, the sudden termination of Parliament prevented our carrying it through. Speaking as an individual, I am in favour of intermediate examinations if you like; but where are you to find examiners who will work a system of that kind? Recollect who are the examiners. They are men taken from among yourselves, and who, it may fairly be assumed, from the position which they occupy in this society, at the Council, are men of a certain amount of standing in the profession. How can you expect that men of that sort can take monthly, quarterly, or half-yearly the duty of putting an article clerk through that searching process which I quite admit we ought to put them to? But, practically, it is impossible. There must be some limit. Let us suppose one examination at the end of five years, and there is an examination at the end of every year. Do you propose to examine them on any one or more subjects which they may select? And suppose they pass such an examination successfully, will that exempt them from being examined on that same subject again?

Mr. FIELD.—Yes.

Mr. YOUNG.—I want to know this. The object of all examination is to know whether the person examined is fit for the discharge of the particular duty to which he is about to devote himself. I believe we shall all admit and deplore that, after all, any system of examination is but an approximation to that which we desire to obtain—a test. But we desire to make it as complete a test as we can—of what? Of the fitness and capacity of the person examined to discharge the duty of the station of life in which he is about to be placed—what is his professional fitness and capacity. You want to know whether he has a fair and reasonable amount of knowledge on all those great branches into which his practice subdivides itself—common law, equity, and the practice of the Court, conveyancing, bankruptcy, and criminal law. Those are the five great heads; we might subdivide them again, and have one or two more. I will assume that, at the end of his first or second year, a young man comes up and tenders himself for examination in conveyancing or equity, with or without the aid of a "grinder." He passes his examinations, and you say it is not fair to expect that a young man should be a finished lawyer, but he really has passed a very creditable examination, and we give him his certificate. At the end of five years, when he is about to be launched into the profession, to practise whatever it may be—equity, conveyancing, common law, whatever may be the subject—you do not examine him again. You are bound to accept the certificate he obtained three years before as to his fitness at that particular time, when you did not apply the highest test, because it would have been unreasonable to do so. What security have you that at the end of five years he has not forgotten that? I do not mean to say that that is conclusive. I dare say there are modes of diminishing that difficulty. It must not, however, be supposed that the majority of the Council, from a mere narrow, bigoted adherence to an old system, have refused to alter the practice without consideration at all; but these and other difficulties have suggested themselves, and have been discussed, as they have been suggested, out of doors. It is because the Council, or the majority of the Council, have not seen their way through all these difficulties that, upon the whole, they have not thought it expedient to adopt the principle of intermediate examinations, and make it part of their Bill. It will be found, I believe, that that is the only substantial difference that exists between the Council and Mr. Field, and those who think with him. There may be differences upon points of detail, to which I will allude presently, between Mr. Field and myself. I will not reciprocate all those amenities which have flowed from the lips of my friend Mr. Field, between the Incorporated Law Society on the one hand, and the Metropolitan and Provincial Law Association on the other. Times of trial may prevail, of which my friend Mr. Field, under our own roof, has given us a specimen; and when a friend sheds those precious balms on our head, we revive, and grow, and flourish under them. I will not reciprocate them, because the duties of a host towards his guest are perhaps different from those of a guest towards his host. But I will tell him that we take in good part all that he has said of us. We are at all times thankful to receive from so clear-headed, intelligent, and experienced a man any suggestions upon this, or any other subject.

Now, then, to come to some of the particular points which my friend Mr. Field has pressed. On broad, general matters of principle, I do not believe there is any difference of opinion whatever between the Council and my friend Mr. Field, and those who think with him. We are all of one mind on the substantial point of principle. First of all, we all agree that it is of the utmost importance in these days, especially when education is making such strides in all classes around us, that we should keep pace with the growth of public intelligence. We entirely agree that, for that purpose, there ought to be, at some period or other, an examination in general knowledge; that there should be some means of ascertaining that those who are to be admitted to practise in our profession have received the education of gentlemen; and we adopt entirely, without qualification or reserve, the principle laid down in the statement of the Medical Council, to which my friend, Mr. Field, has alluded. I will read those words, because they entirely express our views:—"The Council are of opinion that no person should enter the medical or surgical profession," &c., [reading down to the words] "machinery for this purpose." Those are the views which the Council have adopted and endeavoured to put into effect.



voared to carry into effect. That I am not speaking unadvisedly upon that point will appear when I call your attention to one or two clauses in the Bill to which allusion has been made. You are, of course, aware that it is part of the existing law that a graduate who has obtained a degree of B.A. at any of the universities is entitled to be admitted to practise, subject to examination, on serving only for three years. The first thing that we propose by our Bill is, that the "judges may make regulations for persons who have passed certain examinations" (specifying them) "before articles to be admitted after four years' service." What we point at there is that system of examination which is known as the Middle Class Examination, because we think it very wise and expedient to encourage a young man intending to come into our profession to subject himself to those middle class examinations by striking off one year out of the five. That shows that we entirely adopt the views of the Medical Council. I will come presently to a point upon which Mr. Field and I may differ. The Medical Council having announced their principle in the words that I have read, what is the practical mode in which they have sought to give effect to it? They say, "The Council are of opinion that it is desirable that all students pass an examination in general education before they commence their professional studies. We do not say they should pass an examination before they commence their studies, but we put it thus. We say the judges, the Chief Justices of the three courts and the Master of the Rolls, may from time to time make regulations for an examination in such branches of general knowledge as they may deem proper, of all persons not having graduated in a university, but having passed a middle class examination, and may, by such regulations, require such examination to be passed, "either before persons become so bound, or at any time before their admission," as to them may seem fit. We think that more prudent than tying it down, as the medical recommendation does, to an examination before they commence their professional studies. If experience should show it is better that an examination in general knowledge should precede the commencement of professional studies, the judges will make their regulations accordingly. If experience shows it is better to take it during the course of their studies or after, the judges may make regulations for that purpose, because they have power of modification, and I think Mr. Field approves of that. The Medical Council go on to recommend this:—"That as far as may be practicable," &c., &c., reading down to the words, "think proper to make."

Mr. FIELD.—With such additions as the Medical Council may from time to time think fit. We have not got that.

Mr. YOUNG.—We confine it to examinations already established in the universities of Oxford or Cambridge, for students not members of the university. What is called the middle class examinations is confined to the two universities.

Mr. FIELD.—You reject matriculation. A man who has matriculated at Oxford or Cambridge cannot avail himself of a four years' service. I do not say that the Council ever meant that.

Mr. YOUNG.—I am quite sure that if we have, in passing this Bill, not sufficiently worked out some of its details, we shall only be too glad to receive suggestions from anybody, for the only object we have is to make the thing as perfect as possible. On the part of the Council I can say, that any suggestions for rendering these clauses more adapted to give effect to that which we all desire would be most thankfully received; and you must not suppose, if the clauses omit any such point as Mr. Field adverted to, that it has been done advisedly. I should state to the meeting that our Bill, as originally framed, contained provisions upon some other subjects; one, a subject to which the Chairman adverted in his opening address; that is, the invasion of our rights in matters of conveyancing by persons who are not members of any legal body. We felt that most strongly. We felt all the injustice of that quite as strongly as our friend the Chairman, or the Metropolitan and Provincial Association, and we inserted in the Bill, as framed by us, clauses which would have cut that up by the roots. But we were told by the Lord Chancellor, that if we pressed those clauses, there was no chance of the Bill passing even through the House of Lords. There was a clear intimation that the Law Lords, and the Judges who would publicly influence them, disapproved of those particular clauses, and the clauses were, therefore, withdrawn. It was useless to attempt to press the changes in that way, against the opinion of the Law

Lords and the Judges. There were some further clauses about stamping certificates, which were withdrawn from the Bill, for the purpose of meeting objections of the Commissioners of Inland Revenue, and other clauses were modified. There were other suggestions made, which would have been considered if the Bill had gone into committee in the House of Commons. It was proposed by Mr. Hadfield, that graduates in Edinburgh and Glasgow should be admitted after a service of three years; that was agreed to. It was proposed by Mr. Locke, that clerks to attorneys, who had filled that situation fifteen years, should be admitted upon a service under articles of three years only. We did not assent to that. It was proposed that the clauses relating to the county palatine clerks should apply only to future clerks. That was right enough; and we agreed to that. It was proposed that attorneys of the palatine courts should be admitted in the superior courts without examination. That we decidedly objected to. It was proposed that examinations for matriculation at any of the universities should give the same privilege as middle-class examinations, and entitle to admission after four years' service. That was under consideration at the time the Bill was dropped. It was not rejected, not objected to, but was actually under consideration; and what conclusion would have been come to of course I cannot say. It was proposed that there should be examination during articles; or rather, that there should be power to do so. Rightly or wrongly, wisely or unwisely, no doubt it was determined in this Council, that it was not expedient to introduce that principle. We may have erred in that. If that were introduced, it would require an alteration of the law in our view.

The CHAIRMAN.—According to the view of the Council. Mr. YOUNG.—I state my own individual opinion in favour of the power to have intermediate examinations; but in this, as in every other body, the minority must be bound by the majority; and, on the whole, we thought the conclusion at which we arrived, that that should not form part of the Bill would be most in accordance with what we considered to be the opinion of the majority of the profession in town and country. Then there were suggestions made, that solicitors should have a lien for costs upon property recovered or protected through their instrumentality. That was under consideration. That attorneys should be allowed to take security for future costs was under consideration. There were, also, other matters of detail of that kind, which, if the Bill had gone into committee, would have been dealt with, each on their own merits. But the great question, after all, is the question of education.

Mr. FIELD.—The flexibility is the only question between you and me.

Mr. YOUNG.—Much was said by our Chairman, in which I entirely concur; and Mr. Field has adverted to the same subject, but not quite in the same terms, not quite in the same spirit as our Chairman, of the desirableness of co-operation between the Incorporated Law Society and the body of the profession, either as represented by the Metropolitan and Provincial Law Association, or otherwise. Our Chairman repeatedly and pointedly alluded to the hearty co-operation which has prevailed; and does prevail, between them. I thought my friend Mr. Field's observations were rather in a different spirit. We are most fully sensible of the very great importance of bringing into contact with our Council, as much as possible, the body of country practitioners, to enable us to know what are their views and their feelings, and their wishes on those many points which affect our common interests, and perhaps we have given the best practical proof in our power that these are our views by our having taken occasion, as opportunity offered, to introduce some of the most respected members of the country part of the profession into the body of our Council. We have already three—Mr. J. Hope Shaw (of Leeds), Mr. R. Barnes (of Exeter), and Mr. J. Clayton (of Newcastle-upon-Tyne) all names highly honoured throughout the profession; and it is our intention, as opportunity offers, to increase the number of country members of our Council. There is this palpable inconvenience—that it is impossible to get the regular attendance of the gentlemen residing in the country for the performance of their duties at our weekly committees. They can only occasionally attend, but they do take their share in the examination, and they have proved already—Mr. Shaw and Mr. Barnes—most efficient and powerful examiners. I can say I have very often, when I have had to perform the office of examiner, blessed my stars that I had not such an examination to pass through. I may say, that

it is our most anxious desire to co-operate cordially with all the members of the profession, whether in town or country. We are glad to receive from them any suggestions which they may from time to time make; and they may depend upon this, that, whether we ultimately adopt them or not, they will be most respectfully and anxiously considered, with no other desire than to arrive at such conclusions as the future interests of that profession, in whose welfare our own personal interests are so entirely bound up, may require.

Mr. BLUNDELL.—It seems to me the main difference between Mr. Field and Mr. Young may be reduced to this—they read in a different way a very celebrated line which Dr. Johnson has translated thus: "Think much to be done while aught remains to do." Julius Caesar read it thus: "Think nothing done;" and in endeavouring to do everything too rapidly he overthrew the Roman constitution.

There is so much that is excellent in what Mr. Field has suggested, and has been accepted in so liberal a spirit by our Council, that I am sure they will receive the suggestions, not only of such a weighty and respectable body as the Metropolitan and Provincial Law Association, but of such humble individuals as he who now addresses you. I say, they receive all our suggestions so courteously, that, exercising the power we have given them for our benefit, of weighing and considering them, I am quite sure we may now leave to their consideration how far they shall go in accordance with the views expressed by Mr. Field. With respect to the preliminary examination, I confess I cannot altogether concur with Mr. Young, for this reason—that it has been my lot, and that of my family for three-quarters of a century, to be largely concerned in carrying on medical education in this kingdom, and one of the many difficulties which we have had to contend with, and I am sure that every examiner connected with our large London and provincial hospitals will confirm me in saying it, is, that the young men are continually breaking down upon what they call their "Gregory." They complain, and with very great reason, that, at the end of four or five years devoted to medical, surgical, and pathological study, they are turned down for not rendering correctly a Latin phrase in "Gregory." They do not complain that "Gregory" is too difficult a book to understand; but they say, "Why not take us upon our 'Gregory' at the beginning of our studies, and then we could give our uninterrupted attention to other matters?" What is true in medicine is also true in law. It is unfitting, say the Medical Council, that any man should practise any of the liberal sciences in this kingdom, unless he has received the education of a gentleman; that is to say, we do not believe that a superstructure can, generally speaking, be safely based unless on a very broad foundation indeed; and the broadest and best foundation is a thorough acquaintance with the general routine of the arts and sciences, and some acquaintance with the two great languages of antiquity. But it is very hard on medical students, and would be equally hard on legal students, that because they fail in that which, if they have attended to, their other duties has faded out of their recollection, they should be turned back. As, therefore, it seems agreed on all hands that those qualifications are requisite, I would say, let an examination in Latin, in Greek, the modern languages, in science, generally precede a young man's artichanship. Fault has been found with our Council for what they have not done; but I do not think it has been fairly taken into consideration, that they have not the facilities which the large medical bodies are possessed of. Our great hospitals, with their £20,000, £30,000, or £40,000, are enormously rich—Guy's, St. Thomas's, and St. Bartholomew; but we are by no means able to do those things which they can do every day, without for a moment feeling the expenditure which it is necessary to incur. With reference to what has been truly said by Mr. Field, as to the examiners being professors, I would only just remark, that the gentlemen who sit round the board of the College of Surgeons are men who are daily and hourly engaged in the active duties of their profession, just as our examiners are gentlemen who, from morning till night, are engaged in carrying on the affairs of their clients in their respective offices. In much that has been suggested, I most heartily concur; but when fault is found with the little we do, it ought to be recollected that a great deal more has been done than we could have hoped to see done when I entered the profession. If gentlemen would occasionally walk up stairs, they would see many young men studiously engaged in preparing themselves for their profession. No doubt there is "cramming" or

"coaching;" but it always has been, and it always will be. I think, if gentlemen would now and then walk up and down our library, and quietly enter into conversation with the young students, giving them a hint there and an encouraging word in another place, such visits would be appreciated, and I am quite sure practically useful.

Mr. ROSE.—Sir, it appears to me, this question is like most other questions, that there are two sides of it. One would have thought when Mr. Field started, that he was still a young man, and was surprised that everybody did not think with him, and because they did not he proceeded in his pleasant way of squeezing lemon on the Council of the Law Institution. One would be of opinion, from hearing him, that the Council of the Institution were the sheep-walkers of the profession, and that they always went in one beaten track. I must say from the speech which Mr. Young has made in reply to Mr. Field, that there seems to be several sides to this question. One thing, however, must be settled, and that is, what we really mean by "acquiring an education." I take it, that while all other classes of society are being highly educated, over-educated, stimulated by competitive examinations to give £40 or £50 a-year to learn something of nine or ten sciences, whereas it would be better if they entirely understood one, in a profession which requires far greater knowledge than any other profession in the world—which requires a knowledge not only of all trades, manufactures, arts and sciences, to some extent, before you can advise properly on many questions on patent law, and such things—which requires you to understand something, and you ought I think a good deal, of the human heart, before you can advise between husband and wife, father and child, man and man citizen and the State, which, if you are to be an accomplished lawyer, you ought to possess more knowledge than any other class of society; of this ground, I think, your education should be something beyond other classes. But I am free to confess, that at the present time, it does appear to me to be beyond other classes. You have those who have crept into the profession by being a certain number of years clerks to solicitors, and there is one such instance now to my knowledge before the Criminal Courts in this metropolis. But I say it is not only necessary that you should understand the details and practice of the law, which is but a small part of the duty of a solicitor; but you should be grounded in the principles of the law, and, therefore, of necessity you should possess the tools wherewith all knowledge is acquired, that is, mathematics and ethics. Upon that point, I am inclined to go with Mr. Field. Certainly, with regard to the profession, our education only begins after we are examined, and commence to study and practise in the world, in that respect; and I must say that I conceive the Law Institution lamentably to have failed in doing its duty to the profession. If you were to go to the Society of Arts, or the Chemical Society, or the Geographical Society, or any other society, you would find that the members of those societies periodically meet together to discuss the matters of those societies; and you will find that points which we ought to be discussing here are being discussed at the Society of Arts, such as the law of copyright. I say that, with such an institution as this, with its funds, with its splendid building, they ought to do something more for the profession, in bringing them together and associating with them, and showing that they take some interest in them, acquiring, by association, knowledge mutually from each other. Whether there should be an examination from time to time, is a question that I have not made up my mind upon. I do not believe that a multiplication of examinations would do away with crammers. On the contrary, the probability is that there would be a subdivision of labour amongst crammers, and that they would be multiplied also. I am rather inclined to take the view of the Council upon that subject. I am sorry for it, because I should have liked to have been able to have followed with that confidence and that assurance the opener of this question. I felt I was compelled to do so when he sat down, although I must say that I fancy the excuse he made when he opened his paper was a very proper one; for I rather think a paper on education, containing all that was necessary to bring the principles before us, might have been put into much less space.

Mr. COX (of Bristol).—Sir, it appears to me that we are nearly, if not all, of opinion that rules should be made of such a degree of elasticity as to admit of future improvements; and, in order to bring to a practical conclusion this discussion, which has interested us all very much indeed, I



have prepared a resolution which I hope will meet the view of all parties. [Mr. Cox then read his resolution, as prepared.]

Mr. YOUNG.—I would venture to suggest the inconvenience of pledging the meeting.

Mr. FIELD.—It is only that it ought to be made elastic.

Mr. YOUNG.—That is the principle.

Mr. FIELD.—It seems to me against all wisdom that you should tie up futurity.

Mr. ROSE.—The resolution does not go at all to educational tests.

Mr. YOUNG.—What I would suggest would be this: that the resolution should be confined to the appointment of a Committee to confer with the Council.

Mr. FIELD.—We have had such a Committee before; it went on for a long time, and came to nothing. We met a number of gentlemen who agreed with us; they came into this room, where they met a number of other gentlemen who did not agree with us, and the consequence is, that the body which comes to the conclusion is not the body which decides.

Mr. COX.—My object is to bring to some point the discussion before us, because I think it is highly desirable that this meeting should say we are in favour of having examinations during different periods of studentship, or not. If it is the opinion of this meeting that that should not be the case, then I think the better way would be to let the Committee confer with the Council.

Mr. FIELD.—I understand you to mean this—that there should be power to the judges to order it if they think fit. I will second your resolution in that form.

Mr. LIVER.—The preliminary examination is so important that I should be glad to see it included in Mr. Cox's resolution.

Mr. RYLAND.—I think, if the resolution is to express the opinion of this meeting upon all the points which they think important, not only will it include the power to be given to the judges to examine the students at different times during the clerkship, but should also adopt some other principles; and one in particular struck me during Mr. Field's address—the flexibility which should be introduced as to the educational institutions. I wish to put it to Mr. Cox whether this is his view—that, as it appears that Mr. Field's views are adopted or coincide with the views of the Incorporated Law Society, except on one point, he seeks to take the opinion of the meeting upon that one point. If that is Mr. Cox's view, I think we had better understand it, and then perhaps we may best suggest alterations in the resolution. I think it would be as well that the resolution, on the face of it, should bear evidence that we are at one on other points, and that the reason we select this point is because on that there is a difference between the two societies. I would make one further observation upon that subject. I ask Mr. Field whether he is not in error in one statement. I think I was one of the deputation from the Metropolitan and Provincial Law Association, when we met, as I understood, the Council of the Incorporated Law Society.

Mr. FIELD.—No. A very small number of them, at any rate.

Mr. RYLAND.—I do not know how many the Council consist of.

Mr. FIELD.—I am informed it was the Council, but it happened to be a small meeting.

Mr. RYLAND.—I would make one further observation, which is this—that I am sure we must all feel obliged to Mr. Field for bringing this subject before us to-day. We must all agree with him and with Mr. Young, who so ably represented the Council of the Incorporated Law Society, that it is a matter which ought to engage our attention, to see that the thing is properly dealt with; and while we agree with Mr. Field to this extent, that it is desirable to sponsor the Council of the Incorporated Law Society to prosecute the matter, none of us wish—and I am sure Mr. Field does not—that we should be guilty of the slightest rudeness to that very important and useful body, for which we have a very high respect.

The CHAIRMAN, having read the resolution as it had been modified.

Mr. FIELD suggested, that it should be divided into two, which was acceded to. He said.—I wish to second the first with the view—that it is very desirable, I think, that such a large meeting as this of the profession should come to a distinct resolution upon that most simple point. Now, let me act myself right. If there has been anything said by

me, which can in the slightest degree be supposed to have shown a want of appreciation of the most invaluable services, as I consider them, which the Incorporated Law Society and its excellent secretary from the beginning, have rendered the profession, I cannot use language (notwithstanding Mr. Rose's appreciation of my language) sufficiently strong to express it. I believe we owe to the establishment of the Incorporated Law Society everything almost that we owe in the way of respectability as a profession. I believe that all that has been done for the improvement of the profession may be traced to this body of solicitors; and, secondly, through that body, to this body. I believe the whole question of examining solicitors at all, before they were admitted, took its rise in that room; and, undoubtedly, the old proverb about the first step being everything, is applicable to this subject. If I used any expressions that were open to the kind of observations which my friend Mr. Young made upon them, then all I have to say is, that I feel as strongly as Mr. Young does that I deserve the remarks which he made upon them. I believe I did say what could not be altogether agreeable to the Incorporated Law Society, because I believe I said nothing but simple, naked facts; and I do think, as they drive me to say so again, that they were longer about a most important subject than they ought to be. With reference to Mr. Rose's observation, I will only just ask, if it is lemons that I squeeze, what is the plant that he squeezes, when he talks about the Incorporated Law Society?

Now, with reference to this point at issue between us. The medical profession has found out that, in an Act of Parliament for the government of their education—far more difficult and complicated than anything with us—the various universities giving different degrees upon different grounds—they have found out, I say, that one or two clauses of the most simple and permissive characters have got over all their difficulties. All I have said is this—they have passed an Act; we have one to pass. They have passed an Act which will be sure to meet the wishes of the profession, for the time being, because it puts in the hands of the profession for the time being the power of making regulations. The real issue between the Incorporated Law Society and myself is this—shall an Act of Parliament declare once for all—for evermore—that there shall be but one single final examination? or shall it allow, if the judges so think fit, that the examination shall be split into more than one? It is one thing to argue the question whether more than one examination is wanted or not, but it is another thing to argue the question whether, by Act of Parliament, we shall prevent you for ever after having more than one. That is the question upon which we are going to take the vote. We are not going to vote whether there shall be but one examination, but whether there shall be more than one, if the Incorporated Law Society choose to ask for it. Mr. Young has, with that candour which I should expect from him, admitted that upon this subject he is with us, and he believes that we had better follow the steps and adopt the principles now adopted by every other examining body. He is in the minority in his views, and all I say is, that I want to give to that minority, when it becomes a majority as undoubtedly it will, the power to go to the judges, and say:—Let us have not a final examination only, but more than one. That is the issue, and the resolution is this:—That in any new Act of Parliament, a permissive power of examination at different periods should be given if the judges think fit. I say, for us to be up our hands, and those who come after us, is to act like fools; and if that is a strong word, I wish to have a stronger one—idiots, if you like. I agree with Mr. Young, that upon matters of form we are sure to agree; but upon this there is a desire to prevent that being done which some of us think ought to be done, if hereafter a majority should find it a right thing to do. It may be very interesting to argue the question, whether more than one examination is good or bad; but surely it is hardly relevant to the motion that is now before us. If it is doubtful whether it is good or bad it is enough. If any man has any hesitation in his mind, as to whether a final examination is not a delusion—a spurious completeness; if any man thinks the Oxford plan is right, he will vote that the judges should have power. There was a graduate in the room just now, and he sent me a little note to say, that they have lately at the University of London adopted the plan of requiring a second examination between the matriculation and the degree. He says:—Just tell them that the second examination has spoilt the Cricket



Club, because they used to have two years cricket and the third year's course for the degree. I put it to Mr. Young, thus:—If we could have an examination every day, we should have them studying every day for the whole five years; or if every month or every quarter, the result would be the same; and thus it happens that the experience of Oxford, of Cambridge, the experience of the medical body, the experience of the universities of Scotland, and elsewhere, that when you break up your examination into two, or more, you turn that which was a "cramping" into a number of "crams," if you like; but if you have a "cramp" every day, so much the better say all of us, I should think; and the immediate question is—Shall we say to the Incorporated Law Society, "We ought to have power?" I say, we are great geese if we do not.

Mr. YOUNG.—The meeting has granted me so much indulgence that I shall not presume upon it; but let me say a single word upon the resolution before us. I understand it is now to be broken into two resolutions. What I wanted to say was this:—There is no doubt, if it is wise to do it, it could be done in the simplest way in the world. At present the judges have power from time to time to frame regulations for examination after the termination of articles. Those are the words of the Act of Parliament. It is only to say "during or after."

Mr. FIELD.—Certainly.

Mr. YOUNG.—We are now speaking entirely of the legal examination; the general examination is already provided for. There may be some matters of detail which, no doubt, will be corrected before the Bill is re-introduced. The discussion is now exclusively upon the professional examination to which all young men are at present subjected after the termination of articles. The whole question, I understand, is, whether we should not give the judges power to say an examination may take place if the judges think proper during the currency, as well as on the termination. That is the whole question, and it is confined to professional examination. As a member of the Metropolitan and Provincial Law Association, I have already stated my individual opinion is favourable to giving the judges power, if they think fit, to order an examination during the currency of articles; and to the substance of the resolution I for one could not for a moment object.

Mr. SAMUEL SHAEEN.—It struck me that the illustration of Mr. Field was not of the most desirable kind, because he said the middle examination had had the effect of breaking up the Cricket Club. I should very much doubt whether that was beneficial. I knew a gentleman who always chose his schools from the size of the playground; and I have no doubt that his sons were as good scholars as the sons of other people. But what I say is this. We appoint a committee here, for the purpose of representing us; and if they do not represent us, we ought to have another; and I should like the two committees to meet together and discuss this point of the examination. I think it is very important that we should insist on all articulated clerks attending lectures from time to time, and being examined from those lectures at the time. I quite agree in what Mr. Young has said, that there is very little chance of lessening the coaching by simply dividing the examination. In fact, I think the tendency is very much the other way. Therefore, I think we should insist more upon an examination at the time upon subjects as to which we had evidence that the students had attended the lectures.

Mr. BOWER.—If I understand the law rightly, there is only to be one examination after service; and if I understand the resolution now proposed, it is that the alteration should be this—that the judges may have power to give permission for examination during service; but that leaves quite untouched the question as to examination on general subjects before articulation. At the present moment, there is no Act of Parliament on the subject; and, if you look at what has been said about the resolution now proposed, it leaves untouched altogether the necessity for any examination as to general education.

The CHAIRMAN.—The resolution now before the meeting does not, but the one which is to follow does, touch it.

Mr. BOWER.—There is a large section who think the meeting ought to declare itself upon the question of examination on general subjects before articulation, and that that should be disposed of one way or the other.

Mr. W. SHAEEN, M.A.—I should most cordially support such a resolution as has been hinted at by Mr. Bower, but I think we should not now depart from the single subject

embraced in the resolution now before us. Our former autumnal meetings have, on various occasions, declared that, in their opinion, there ought to be a preliminary general examination, such as is advocated by Mr. Bower and Mr. Rose. That has been accepted by the Council of the Incorporated Law Society, and, at the present moment, stands embodied in the Bill which they produced last session before Parliament. It is, therefore, unnecessary to discuss that now. The resolution before us, I think, is confined wisely to the one subject on which the Incorporated Law Society still differ from the views which have been so often agitated in our meetings. If this resolution is carried, it then may be quite proper for us to pass a second, saying that we trust the permissive power which stands in the Bill will be brought into active operation by the actual institution of a preliminary examination.

Mr. BOWER.—Under those circumstances, I think the resolution may be put.

The CHAIRMAN then read the resolution.

Mr. R. A. PAYNE.—If that resolution is passed, will it not be considered that the meeting, as a whole, approves of intermediate examinations? It will go out to the world that the whole meeting wish the judges to do it. I have come to this conclusion, that if Mr. Field's motion be carried, and a young man is not examined again upon any subject as to which he may have passed a successful intermediate examination, when he goes into his profession he may have forgotten all that he was examined upon before. I wish it to go forth to the world that we have come to no conclusion upon it as a body.

The CHAIRMAN then put the following resolution:

"That although there is a difference of opinion as to the propriety of there being more than one examination of students in professional knowledge, it is the opinion of this meeting that, in any new Act of Parliament upon the subject of legal education, there should be included a power to the judges of requiring, if they think fit, an examination of students during articles as well as after their expiration."

The resolution was carried with two dissentients.

The CHAIRMAN.—The next resolution is this:

"That the Committee of the Metropolitan and Provincial Law Association be requested by this meeting to confer with the Council of the Incorporated Law Society on that subject, and otherwise in relation to the subject of professional and general education."

The resolution was carried unanimously.

## Law Students' Journal.

### LAW LECTURES AT THE INCORPORATED LAW SOCIETY.

Mr. GEO. W. HEMMING, on Equity, Monday, November 7th.

Mr. FREDK. MEADOWS WHITE, on Common Law and Mercantile Law, Friday, November 11th.

Mr. M. JULIEN.—M. Julien has been released from his pecuniary embarrassments in Paris. He attributes his ruin to the "scorpions" of the legal profession in London, and to certain music speculators who have fattened on his former success. During the twenty years that Julien resided as the member of the famous popular concerts, he acknowledged to have received the enormous sum of £200,000 in England and America. He has lately refused offers to return to London to preside over entertainments of a similar character, and is now busily engaged in writing "His Life and Times among the English." The sums of money paid to lawyers and managers of his concerts, when explained on a late occasion before the tribunal, at his examination to obtain release from bankruptcy, enlisted the sympathy of the French Court.

IS CONSUMPTION INCURABLE?—Invalids labouring under consumptive maladies, and families who have suffered from the ravages of consumption (and what family in the empire is there who has not to deplore a loss caused by this scourge of the human race?) will find a satisfactory answer to the question—

"Is Consumption incurable?" in an original article by Dr. Denis Cronin, M.D., 35, Bruton-street, Park-square, published in the "Household Physician," and sold in numbers 7d. each, by G. Berger, 19, Holywell-street, Strand. From No. 1 to No. 9 now ready.

## Admission of Attorneys.

## QUEEN'S BENCH.

MICHAELMAS TERM, 1859.

*Clerk's Name and Residence.*

Barnard, Joseph, 17, Jernyn-street .....  
 Clarke, Richard, Shrewsbury .....  
 Daniel, Robert Farrimond, East Ardsley, Yorkshire .....  
 Donaghe, John, Neath .....  
 Goble, Edgar, 4, Cecil-street, Strand; and Weymouth-street, Portland-place .....  
 Hipwell, John William, 28, Nuford-place; Western Underwood; and Fleet-street .....  
 Lanwarne, Thomas, 23, Great Percy-street; Hereford; and Southampton-buildings .....  
 May, Edwin, Reading .....  
 Oakes, Orbell Willoughby, 3 Princes-terrace, Hyde Park South; and Great Russell-street...  
 Parr, Thomas, 64, Charlwood-street West, Fimlico; St. Andrew's-court, Hoborn; and Bagshot .....  
 Patrick, John Thomas Agnew, 12, Clephane-road, Canonbury; 20, Austin-frirs .....  
 Powell, Evan Wynne, Coedmaur, near Carnarvon .....  
 Pugh, Maurice Lewis, 20, Compton-street, Bramwick-square; and Birkenhead .....  
 Soumes, Francis Larken, Wokingham .....  
 Webber, James, jun., Clapham Brewery, Wandsworth-road .....  
 Winterbotham, James Batten, Cheltenham; and 5, Gray's Inn-square .....  
 Woodcock, George, 10, Featherstone-buildings; and Granville-square, Pentonville .....

## LAST DAY OF MICHAELMAS TERM, 1859.

Dearpark, John, York .....  
 Bell, John Thomas, 49, Gerrard-street, Islington; and Hartlepool .....  
 Blackett, Frederick, Headingley-cum-Burley, Leeds .....  
 Claxton, William Richards, South-hill-grove, near Liverpool; and Pembroke-square, Mid-  
 dlesex .....  
 Clinch, James, Leamington Priors; 11, Harpur-street, Red Lion-square; and 11, Soley-  
 terrace, Pentonville .....  
 Curfield, Henry Christian, 8, Queen's-terrace, Haverstock-hill .....  
 Davy, George Bontflower, Ottery St. Mary; St. John-street, Lower-road, Islington; and  
 Pembroke-cottages, Cheltenham-road .....  
 Eliot, William Kyd, Chippenham; and Great Ormond-street, Queen's-square .....  
 Ford, Wharton, 8, Lincoln's Inn-fields .....  
 Fullager, Lewis Greene, Lewes; and 47, Bernard-street, Russell-square .....  
 Garrett, Richard Eydon, Merton, Surrey .....  
 Mayhew, Sydney, 7, Southampton-street, Bloomsbury .....  
 Peverley, Benjamin, 108, Camden-road-villas; and Pentonville-road .....  
 Powell, Charles William, Newport Pagnel; and 14, Featherstone-buildings .....  
 Ridsdale, Fr. James, jun., Clapham .....  
 Robinson, William Reginald, 27, New Bridge-street; and Lincoln's Inn-fields .....  
 Rowland, Frederick Brown, Rambsay; Great Cornam-street, Russell-square .....  
 Rudyard, Frederick Colville, Macclesfield .....  
 Stable, John Wickey, 11, Grafton-street East, Fitzroy-square; and Coimbra, Portugal ....  
 Stone, Thomas, Tarlton, near Cirencester; and Percy-circus, Pentonville .....  
 Tippetts, Theodore George, 2, Sise-lane; and 23, Lonsdale-square, Islington .....  
 Turner, John William, 26, Newgate-street; and Hopton, York .....  
 Webb, John, Kenilworth; Drummond-street; and South-square .....  
 West, Henry, Park-road, Hornsey ....

## RE-ADMISSION.—LAST DAY OF HILARY TERM, 1860.

Parrott, Jasper, Totness, Devon.

## TAKING OUT AND RENEWAL OF ATTORNEYS' CERTIFICATES.—LAST DAY OF MICHAELMAS TERM, 1859.

Groves, Harrington Charles James, 20, Gloucester-street; and Albert-  
 street, Regent's-park.

Leith, James, Walmer, near Deal.  
 Royle, William, 12, Campden-grove, Kensington.

## 26TH NOVEMBER, 1859.

Acland, Lawford, Woolston Lawn, near Southampton; Bombay; at Sea;  
 Egypt; and Clifton.  
 Baimes, George, Halifax.  
 Barrett, Robert Digby Tucker, 21, Princes-square, Bayswater.  
 Beale, George, Gloucester.  
 Briggs, Frederick, 45, King-street, Long-acre; and Fetter-lane.  
 Coates, James, jun., 2, Belgrave-street South, Piccadilly; and Harrington-  
 street North, Mornington-crescent.  
 Cobb, William Wise, 15, Maddox-street, Southampton; Goderich, in  
 Canada West; and Bridger, Kent.  
 Collins, Richard, 17, Great Ormond-street.  
 Cooke, Richard, Luton.  
 Davies, George Thomas, 5, New Ormond-street.  
 D'Orry, Robert, Everslade, near Moreton-in-Marsh, Gloucester.  
 Fall, George, 8, Gerrard-street, Islington.  
 Finch, John, 9, Denbigh-terrace, Notting-hill.  
 Graham, Charles, 23, Ashley-place, Westminster.  
 Heap, John Colman, 5, Prospect-place, Kilburn.  
 Horsiers, Alexander Radcliffe, 6, Bristol-street.  
 Lucas, Thomas Edward, 3, Pump-court, Temple; and Featherstone-  
 buildings.  
 Mason, Frederick, 20, Woburn-square; 6, Bedford-place, Russell-square;  
 and Gresham-street, City.

Massey, Henry Eyre, 91, Brook-street, Kennington-road; Oxford; and  
 Fitzroy-place, New-road.  
 Morgan, John, 15, Clarendon-terrace, Beloise-park, Hampstead.  
 Nash, George Olney, 4, Barnbury-row, Islington.  
 Nicholson, Alfred, Bedford; and Liverpool.  
 Nodley, John, 4, Grosvenor-villas, Canonbury.  
 Parker, Thomas, Tavistock-row, Covent-garden.  
 Peachey, Francis, Lincoln's Inn; Potter's-bar; and Broadstairs.  
 Podmore, William, Handley, Hall-green, Yardley; Worcester.  
 Rogers, Joseph Roberts, Reading.  
 Savery, William, Smethwick; King Edward-street, Liverpool-road; and  
 Hastings.  
 Tattershall, William Edward, Whitehaven; and Portland-villas, Lough-  
 borough-park, Brighton.  
 Taylor, Robert Wager, 25, Grafton-square, Clapham; Toronto, Canada;  
 at Sea; and Great Boughton, near Chester.  
 Turner, Edward Goldwin, 11, Westbourne-park; and Piccadilly.  
 Waldron, Alfred, Brentwood; and Barnbury-terrace, Liverpool-road,  
 Islington.  
 Wallis, William Talbot, 12, South-street, Brompton; Sydney; and at Sea.  
 Ward, James, 5, Pratt-street, Camden-town; and Frances-terrace, Hamp-  
 stead-road.  
 Withers, James Tuck, 10, Burton-street, Eaton-square.

## Court Papers.

## Queen's Bench.

## NEW CASES.—MICHAELMAS TERM, 1859.

## SPECIAL PAPER.

Sp. case. Boyd v. The Liverpool Borough Bank.  
 Dem. Thompson, Administrator, &c., v. Bowyer, Bart.  
 Dem. Anderson v. Haacke.  
 Sp. case. Gumm v. Fowler.

## Common Pleas.

## NEW CASES.—MICHAELMAS TERM, 1859.

## DEMURRER PAPER.

November 14.  
 Case Nisi Prius ..... Simpson v. Dendy.

November 18.  
 Dem. .... Bell v. The Midland Railway Company

**Exchequer of Pleas.**  
NEW CASES.—MICHAELMAS TERM, 1859.  
Marquis of Salisbury v. Gladstone.  
SPECIAL PAPER.

**Term.** Gough v. Hardman.  
**Sp. case.** Sheath and Wife v. Fiddian and Others.

**Exchequer Chamber.**

**SITTINGS IN ERROR.**

The following days have been appointed for the argument of Errors and Appeals:—

**QUEEN'S BENCH.**  
Saturday Nov. 26 | Monday Nov. 28  
**EXCHEQUER OF PEAS.**  
Tuesday Nov. 29 | Wednesday Nov. 30

**COMMON PLEAS.**  
Thursday Dec. 1  
And such following days as may be necessary.

**Full Court of Divorce and Matrimonial Causes.**  
SITTINGS IN AND AFTER MICHAELMAS TERM, 1859.

Monday Nov. 14 | Monday Nov. 21  
Tuesday " 15 | Tuesday " 22  
Thursday " 17 | Thursday " 24  
Friday " 18 | Friday " 25  
Saturday " 19 | Saturday " 26

Cases directed to be heard by oral evidence before the Full Court will be taken on the above days in the order in which they stand on the list.

**TRIALS BY JURY.**

Monday Nov. 28 | Friday Dec. 2  
Tuesday " 29 | Saturday " 3

Cases in which there are issues to be tried before the Full Court by verdict of a jury will be taken on the above days in the order in which they stand on the list.

The Court will sit at Westminster at 11 o'clock.

**Central Criminal Court.**

The judges have appointed the following days for holding the sessions for the ensuing year:—

Monday .. November 28. | Monday .. June 11.  
Monday .. December 12. | Monday .. July 9.  
Monday .. January 9—30. | Monday .. August 13.  
Monday .. February 27. | Monday .. September 17.  
Monday .. April 2. | Monday .. October 22.  
Monday .. May 7.

**English Funds.**

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock .....	225 7	227	225 7	225 7	225 7	227
3 per Cent. Red. Ann. ....	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$
3 per Cent. Cons. Ann. ....	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$
New 3 per Cent. Ann. ....	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$
New 3 per Cent. Ann. ....	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$
New 3 per Cent. Ann. ....	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$	94 $\frac{1}{2}$
Consols for account ....	96 $\frac{1}{2}$	96 $\frac{1}{2}$	96 $\frac{1}{2}$	96 $\frac{1}{2}$	96 $\frac{1}{2}$	96 $\frac{1}{2}$
Long Ann. (exp. Jan. 5, 1860) ..	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860) ..	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1860) ..	..	17 $\frac{1}{2}$	..	17 $\frac{1}{2}$	17 $\frac{1}{2}$	..
India Debentures, 1858. ....	96 $\frac{1}{2}$	96 $\frac{1}{2}$	96 $\frac{1}{2}$	96 $\frac{1}{2}$	96 $\frac{1}{2}$	96 $\frac{1}{2}$
India Stock .....	223 4	223 4	223 4	223 4	223 4	223 4
India Loan Scrip. ....	102 $\frac{1}{2}$	102 $\frac{1}{2}$	102 $\frac{1}{2}$	102 $\frac{1}{2}$	102 $\frac{1}{2}$	102 $\frac{1}{2}$
India 5 per Cent. 1859. ....	103 $\frac{1}{2}$	103 $\frac{1}{2}$	103 $\frac{1}{2}$	103 $\frac{1}{2}$	103 $\frac{1}{2}$	103 $\frac{1}{2}$
India Bonds (£1,000) ..	2s d	2s d	2s d	2s d	2s d	2s d
Do. (under £1000) ..	2s d	2s d	2s d	2s d	2s d	2s d
Exch. Bills (£1000) Mar. 27 30p	38s 31p	38s 31p	38s 31p	38s 31p	38s 31p	38s 31p
Exch. Bills (£200) Mar. ....	..	..	..	38s p	31s 29p	..
Exch. Bills (Small) Mar. ....	..	..	..	38s p	31s 29p	..
Do. (Advertised) ..	..	..	..	..	..	..
Exch. Bonds, 1858, 3s per Cent. ....	..	..	..	..	..	..

**London Gazettes.**

**Professional Partnerships Dissolved.**

TUESDAY, Nov. 1, 1859.

MULLINS, CHARLES, & WILLIAM NICHOLS, Attorneys-at-Law, Chew Magna, County of Somerset (Mullins & Nichols). Oct. 27.

FRIDAY, Nov. 4, 1859.

LAMB, GEORGE, JAMES BROOKS, WILLIAM BROOKS, JOHN WORKMAN LAMB, & WILLIAM CHALLIS, Attorneys-at-Law, Basingstoke and Odham (Lamb & Brooks, Sons & Challis), so far as concerns the said George Lamb & James Brooks. For the future the co-partnership will be continued by the said John Workman Lamb, William Brooks, & William Challis, at Basingstoke and Odham, under the style and firm of Lamb, Brooks, & Challis. Oct. 1.

**Commissioner to administer Oaths in Chancery.**

FRIDAY, Nov. 4, 1859.

Voss, ROBERT, Gent., Town-hall, Bethnal-green.

**Commissioner for Administering Oaths in Common Hall.**

TUESDAY, Nov. 1, 1859.

DTTE, HENRY, Gent., 6 King's Bench-walk, Temple.

FRIDAY, Nov. 4, 1859.

DTTE, HENRY, Gent., 6 King's Bench-walk, Temple.

**Creditors under 22 & 23 Vict. cap. 35.**

Last Day of Claim.

TUESDAY, Nov. 1, 1859.

MACFARLANE, WILLIAM, Gent., late of No. 4 Leader-st., Chelsea (who died on May 4, 1859). Ravenscroft, Solicitor, 7 Gray's-inn-square. Dec. 31.  
ROBINSON, CHRISTOPHER OWENS, Master in Her Majesty's Navy, and late 2nd Master on board Her Majesty's ship Himalaya (who died at sea on his passage home on board Her Majesty's ship Magenta, on or about July 3, 1858). Chard, Navy Agent, 3 Clifford's-lane. Dec. 1.

FRIDAY, Nov. 4, 1859.

A'BECKET, JANE, Widow, Queen's-ter., Hammer-smith (who died on July 1, 1859). Green, Solicitor, 8 Miter-st., Chancery, Temple. Dec. 15.

BUTLER, ARCHIBALD, Esq., Charles-st., St. James's-square (who died on June 12, 1859), to send to the executor, Miss Katherine Mathia Bulkeley, or to her Solicitors, Thompson, Debenham & Brown, Salter's-hill, St. Swithin's-lane. Nov. 30.

CHAD, Sir CHARLES, Bart., Thurstford-hall, and Finkney, Norfolk, and of Gloucester-sq., Hyde-park (who died on or about Sept. 30, 1858). Wynne, 46 Lincoln's-inn-fields. Jan. 20.

MOORE, REGINIE WICKLEY, Barrister-at-Law, 1 New-sq., Lincoln's-inn (who died intestate at Margate, Kent, on Sept. 5, 1859). Thomas & Moore, Solicitors, 7 South-sq., Gray's-inn. Jan. 1.

STILES, JOHN, Esq., an Admiral in Her Majesty's Navy, Wilton-ter., Balgrave-sq., late of Castle-inn, Englefield-green (who died on or about Feb. 12, 1854). Wynne, 46 Lincoln's-inn-fields. Jan. 20.

THOMAS, HENRY, Solicitor, 35 Lincoln's-inn-fields, and of Fenge (who died at Fenge on June 22, 1859). Thomas, Solicitor, 7 South-sq., Gray's-inn. Jan. 1.

**Creditors under Estates in Chancery.**

Last Day of Proof.

FRIDAY, Nov. 4, 1859.

EVANS, JOHN, Gent., Warneford-villa, Leamington Priory, Warwickshire (who died on or about the month of April, 1859). Evans & Evans, M.L. Dec. 2.

FENWICK, THOMAS, Porter Merchant, North Shields (who died on or about the month of Sept., 1859). Fenwick & Fenwick, M.R. Nov. 28.

KETTON, JOHN, Bookbinder, Bagin-st., City-rd. (who died on or about the month of Jan., 1859). Moore & others v. Keynton, V. C. Stuart. Nov. 17.

PEIRCE, HENRY WILLIAM DE LA POSE HERESFORD, Esq., York (who died in the month of July, 1859). Peirce & Peirce, M.L. Dec. 1.

VAUGHAN, JOHN WILLIAM, Linen Draper, formerly of 141 & 143 White-chapel, now of Camberwell House Asylum, Camberwell, a person of unsound mind. Creditors to prove their debts before Masters in Lunacy, 45 Lincoln's-inn-fields.

**Assignments for Benefit of Creditors.**

TUESDAY, Nov. 1, 1859.

KRATON, WILLIAM, Pork Butcher, 25 & 199 Brick-lane, Spitalfields. Oct. 29. Trustee, G. Pearson, Wholesale Cheese-factor, Secol-lane, Snow-hill. Sol. Lumley & Lumley, 41 Ludgate-st.

KOHLER, HIPPOLYTE (Hippolyte Kohler & Co.), Merchant, 17 Savage-gardens, Tower-hill. Oct. 11. Trustee, W. Greenway, Merchant, Birmingham; J. Green, Merchant, 4 George-yard, Lombard-st.; J. Beeson, Accountant, Birmingham. Sol. Foster, Birmingham.

WELLS, ARTHUR, Hop Merchant, Worcester. Oct. 22. Trustee, G. Humble, Hop and Seed Merchant, 227 High-st., Southwark; W. Caldwell, Hop Merchant, Worcester. Sol. Hawks & Willmott, 83 High-st. Southwark.

FRIDAY, Nov. 4, 1859.

BEAN, MARY ANN, Widow and Administratrix of George Bonn, Coach Builder, Rye. Oct. 17. Trustee, H. Bean, Blacksmith, Rye; J. Huggett, Builder, Rye; S. Peacock, Warehouseman, Rye; G. Walker, Saddler, Rye. Sol. Ellman & Whitmarsh, Rye.

CALDWELL, WILLIAM, & WILLIAM RICHARDSON, Joiners, Warrington, Lancashire (Caldwell & Richardson). Oct. 27. Trustee, J. Hall, Gent., Warrington. Sol. Barratt, Warrington.

DIXON, CHARLES STRANGE, Glover, 4 Gutter-lane. Oct. 29. Trustee, J. W. Spall, Warehouseman, Cheapside; W. Ellerton, Warehouseman, Love-lane. Sol. Mason & Sturt, 7 Gresham-st.; or Farrar, 15 Goddard-st.

FOREMAN, THOMAS, & THOMAS JOHNSON, Builders, Faversham. Oct. 31. Trustee, R. G. Stone, Timber Merchant, Faversham; T. Kingsnorth, Farmer, Preston. Sol. Tassell, Faversham.

GANE, JOHN, Shopkeeper, East Brent, Somersetshire. Oct. 6. Trustee, E. Trood, Grocer, Bridgwater, Somersetshire. Creditors to execute on or before Dec. 5. Sol. Reed, Bridgwater.

GIBSON, MARTHA, China Dealer, Preston, Lancashire. Oct. 31. Trustee, W. Yates, Flint Glass Manufacturer, Harpurhy, near Manchester; C. Bullock, China Manufacturer, London, Staffordshire. Creditors to execute on or before Jan. 21, 1860. Sol. Winstanley & Charnley, Broughton, near Preston, Lancashire.

JAGGER, CHARLES, Farmer, North Cokerington, Lincolnshire. Oct. 31. Trustee, J. Jacques, Tailor, North Cokerington; J. Tinsley, Publican, Louth; J. Scrimshaw, Farmer, Theddithorpe, All Saints. Sol. Ingoldby & Bell, Louth.

PALMER, GEORGE EDWARD, Jeweller, Newark-upon-Trent. Oct. 13. Trustee, T. Walton, Ironworker, Newark-upon-Trent; W. T. Newman, Gent., Stamford. Creditors to execute on or before Dec. 1. Sol. Phillips, Stamford; Griffin, Newark-upon-Trent.

TAYLOR, JOSEPH, Outfitter, Uxbridge. Oct. 28. Trustee, T. Blake, Wholesale Clothier, Aldersgate-st. Sol. Steinberg, 61 Watling-st.

**Bankrupts.**

TUESDAY, Nov. 1, 1859.

BARNARD, JAMES, jun., Licensed Victualler, Aldershot. Com. Fane: Nov. 11, at 2; Dec. 9, at 1; Basinghall-st. Off. As. Cannon. Sol. Lott, 41 Parliament-st. Pet. Oct. 31.

BARNETT, BENNETT, Dealer in Pictures, 1A Burlington-gardens. Com.



Evans: Nov. 10, and Dec. 15, at 1; Basinghall-st. *Off. Ass. Johnson.*  
*Sol. Abraham, 28 Southampton-buildings.* *Pat. Oct. 31.*  
 CALDWELL, WILLIAM CRESWORTH, Tailor, 3 Nassau-st., Commercial-rd.  
*East. Com. Fane:* Nov. 11, at 1.30; Dec. 9, at 12; Basinghall-st.  
*Off. Ass. Harris.* *Sols. Heather & Son, 17 Paternoster-row.* *Pat. Oct. 28.*  
 JACKSON, GEORGE KINDERBLEY, Grocer, Elizabeth-st., South Plimlico.  
*Com. Holroyd:* Nov. 15, at 12.30; Dec. 13, at 1; Basinghall-st. *Off.*  
*Ass. Lee.* *Sols. Croxley & Burn, 34 Lombard-st.* *Pat. Oct. 27.*  
 LAYTON, WILLIAM, Boot & Shoe Maker, Commercial-rd., Landport,  
 Portsea, Hants. *Com. Evans:* Nov. 11, and Dec. 15, at 2; Basinghall-  
 st. *Off. Ass. Bell.* *Sols. Watson & Sons, Bouvierie-st.; or Way, Port-*  
*sea and Elmworth.* *Pat. Oct. 22.*  
 MAYNE, ELLIOT LOUISE, Milliner, 363 High-st., Exeter. *Com. Andrews:*  
 Nov. 16, and Dec. 14, at 12; Exeter. *Off. Ass. Hirtzel.* *Sol. Fryer,*  
*St. Thomas, Exeter.* *Pat. Oct. 31.*  
 RUSSELL, SAMUEL, Builder, West Hartlepool. *Com. Ellison:* Nov. 6,  
 and Dec. 20, at 12; Newcastle-upon-Tyne. *Off. Ass. Baker.* *Sol.*  
*Foster, Newcastle-upon-Tyne.* *Pat. Oct. 26.*  
 SIMISTER, THOMAS, East-wood, Liverpool. *Com. Ardwick, near Man-*  
*chester.* *Com. Perry:* Nov. 11, and Dec. 2, at 1; Liverpool. *Off. Ass.*  
*Bird.* *Sol. Samuel, Liverpool.* *Pat. Oct. 29.*

## FRIDAY, Nov. 1, 1859.

ATTWELL, WILLIAM, Victualler, 37 Arundel-st., Strand. *Com. Evans:*  
 Nov. 17, and Dec. 23, at 12; Basinghall-st. *Off. Ass. Bell.* *Sols.*  
*Clarke & Sande, 22 Bedford-rd.* *Pat. Nov. 1.*  
 AYLAIRD, WILLIAM MATKAR, Wine Merchant, 4 Sermon-lane, Doc-  
 tors' Commons, and of 1 Paragon-pl., New Kent-rd. *Com. Foulmanque:*  
 Nov. 18, and Dec. 14, at 12; Basinghall-st. *Off. Ass. Stansfeld.* *Sol.*  
*Mortimer, 17 Clifford-lane.* *Pat. Nov. 3.*  
 FAIRHALL, THOMAS HENRY, & WILLIAM SUTER, jun., Ironmongers, 128  
 London-rd., Southwark (T. H. Fairhall & Co.). *Com. Goulburn:* Nov.  
 16, at 1; and Dec. 19, at 11; Basinghall-st. *Off. Ass. Pennell.* *Sols.*  
*Foscek & Poole, 58 Bartholomew-lane.* *Pat. Nov. 27.*  
 GOODE, BENJAMIN GELDART, Edgewood, Serpentine, London. *Com. Goulburn:*  
 Nov. 16, at 1; and Dec. 19, at 11; Basinghall-st. *Off. Ass. Pennell.* *Sols.*  
 Sutton House, Sutton, Herts. *Com. Goulburn:* Nov. 16, at 1; and Dec. 19,  
 at 11; Basinghall-st. *Off. Ass. Lee.* *Sols. Treher & White, 13 Barge-yd.-chambers.* *Pat. Oct. 22.*  
 GUNNYON, WALTER PHILLIPS, Clothier, Liverpool. *Com. Perry:* Nov.  
 16, and Dec. 5, at 11; Liverpool. *Off. Ass. Cazenove.* *Sol. Stone,*  
*Liverpool.* *Pat. Nov. 2.*  
 KOEBER, CHARLES, Woollen Draper, 5 Vigo-st., Regent-st. *Com. Fane:*  
 Nov. 18, at 1; and Dec. 17, at 12; Basinghall-st. *Off. Ass. Whitmore.*  
*Sols. 2 Brompton & Backwood, 7 Walbrook.* *Pat. for arr. Aug. 12.*  
 LEATHERLAND, EDWARD, of 11, 12, & 13, The Quadrant, Aston-st., Tipton, Staff-  
 ordshire. *Com. Sanders:* Nov. 18, and Dec. 8, at 11; Birmingham.  
*Off. Ass. Whitmore.* *Sol. Milton, Birmingham.* *Pat. Oct. 24.*  
 PORTER, JOSEPH, JOSEPH W. AINSLEY PORTER, THOMAS WALMSLEY PORTER,  
 & ROBERT ROGERS, Screw Bolt Manufacturers, Salford (Porters & Co.).  
*Com. Jennings:* Nov. 16, and Dec. 7, at 12; Manchester. *Off. Ass.*  
*Fraser.* *Sols. Slater & Myers, Manchester.* *Pat. Oct. 28.*  
 REK, WILLIAM, Cowkeeper, at Dunford Farm, Wandsworth, and Park Lodge  
 Farm, Putney. *Com. Holroyd:* Nov. 15, at 11.30; Dec. 16, at 2;  
 Basinghall-st. *Off. Ass. Edwards.* *Sol. Hewitt, 6 Nicholas-lane.* *Pat.*  
*Oct. 21.*  
 TUNSTALL, PERCIVAL, Builder, Golden-hill, Staffordshire. *Com. Sand-*  
*ers:* Nov. 14 and Dec. 12, at 11; Birmingham. *Off. Ass. Kinnear.*  
*Sols. Lees, Burdett; Smith, Birmingham.* *Pat. Nov. 1.*  
 WALTERS, SAMUEL, & THOMAS WALTERS, Castle Dealers, Cavenwell,  
 Staffordshire. *Com. Sanders:* Nov. 18 and Dec. 9, at 11; *Off. Ass. Kin-*  
*neer.* *Sols. Litchfield, Newcastle-under-Lyme; Smith, Birmingham.*  
*Pat. Nov. 3.*  
 WILLMER, CHARLES, Newspaper Proprietor, Liverpool. *Com. Perry:*  
 Nov. 10 and Dec. 5, at 11; Liverpool. *Off. Ass. Morgan.* *Sol. Pender-*  
*gast, Liverpool.* *Pat. Nov. 1.*

## BANKRUPTCY ANNULLED.

TUESDAY, Nov. 1, 1859. *ONLY 525 L.*  
 BATHING, JOHN, Builder, Tooley-st., Southwark. Nov. 1.  
 FRIDAY, Nov. 4, 1859.  
 OAK, WILLIAM COVENTRY, & CHARLES HASTINGS SNOW, Bankers, Blandford  
 Forum, Dorsetshire. Nov. 1.

## MEETINGS FOR PROOF OF DEBTS.

TUESDAY, Nov. 1, 1859.  
 BARNETSON, LOUIS, Merchant, 8 Broad-st.-buildings (Louis Barnetson & Co.),  
 also Sidney, New South Wales, with Solomon Maurice, Merchant,  
 (Solomon Maurice & Co.). Nov. 22, at 12.30; Basinghall-st.  
 CHAPMAN, WILLIAM CHARLES, & WILLIAM HENRY LITTLEPAGE, Coopers,  
 15 Hays-lane, and 69 and 61, Bethonsey-street, Southwark (J. B. Chap-  
 man & Co.). Nov. 22, at 12; Basinghall-st.  
 CULLEN, SAMUEL, Draper, Woodbridge, Suffolk. Nov. 22, at 11.30;  
 Basinghall-st.  
 DAVIES, WILLIAM, sen., Baker, Norton-st., Baldock, Hertfordshire. Nov.  
 22, at 12; Basinghall-st.  
 DRAKE, THOMAS, Scrivener, formerly of Staples Inn, Holborn, afterwards of  
 St. Swithin's-lane, now 7 King's Bench, Temple. Nov. 22,  
 at 2.30; Basinghall-st.  
 DUBOIS, THOMAS HENRY, Tailor, Colchester. Nov. 22, at 1.30; Basing-  
 hall-st.  
 DRAKE, GEORGE, Watchmaker, 18 Ludgate-hill, and Upper-st., Islington.  
 Nov. 22, at 2; Basinghall-st.  
 ELLIS, ALFRED, Wine Merchant, Wimborne, Dorset. Nov. 22, at 1.30;  
 Basinghall-st.  
 GLENVIE, ALEXANDER, Warehouseman, 9 Friday-st., Chesapeake. Nov. 23,  
 at 11; Basinghall-st.  
 IRVINE, DAVID, Manufacturer, Belfast, also trading in London. Nov.  
 22, at 12; Manchester.  
 JONES, WILLIAM, & THOMAS JONES, Stationers, Shawforth, near  
 Leeds. Nov. 24, at 12; Manchester. *See also in the previous*  
*issue.*  
 MONROE, GEORGE, Licensed Victualler, 41, 42, & 43, Newgate-st.,  
 Nov. 22, at 12; Basinghall-st.  
 MURDOCH, RICHARD, Licensed Merchant, Much Hadham, Hertford-  
 shire. Nov. 23, at 1; Basinghall-st.  
 REES, JOHN, Ship Owner, Sandwich. Nov. 22, at 12; Basinghall-st.

PATNE, JASPER PETERS HALE, & JOHN GOODMAN, Leather Merchants  
 Northampton. Nov. 22, at 1; Basinghall-st.  
 SALMON, VONAS, Wholesale Boot and Shoe Manufacturer, 334 Brick-lane,  
 Spitalfields, and 2 Baker's-ter., East India-rd., and also of 3 Theat-  
 re-st., Norwich (Salmon & Co.). Nov. 22, at 12.30; Basinghall-st.  
 SHERBORN, HENRY CHARLES, Grocer, Abingdon. Nov. 22, at 1.30; Basing-  
 hall-st.  
 SNEY, ROBERT, Iron and Brass Founder, Swaffham, Norfolk. Nov. 22, at  
 12; Basinghall-st.  
 WEIR, JAMES, Merchant, 27 Albert-sq., Commercial-road East, Nov. 22,  
 at 11.30; Basinghall-st.  
 WESCOTT, RICHARD, Butcher, 10 Whitley-crescent, Reading. Nov. 22, at  
 1; Basinghall-st.  
 WHEELDON, JOHN, Packing Case Manufacturer, Manchester. Nov. 22, at  
 12; Manchester.  
 WHITE, ROBERT DENNIS, & JOHN GREGORY, East India Army Agents and  
 Bankers, 11 Haymarket, also trading in co-partnership with James  
 Fortescue Harrison and Arthur Kay King, at Calcutta (White & Co.).  
 Nov. 22, at 12; Basinghall-st.

## FRIDAY, Nov. 4, 1859.

BUTCHER, THOMAS ALLAN, Innkeeper, Witney. Nov. 26, at 12.30; Basing-  
 hall-st.  
 THOMAS ALLEN, Dealer in Flour, Leeds. Nov. 29, at 1; Basinghall-st.  
 FIELD, JOHN, Boot and Shoe Manufacturer, 71 Back-st., Nov. 22, at 1;  
 Basinghall-st.  
 JOYNER, ROBERT, Grocer, Toxteth-pk., Mill-st., Liverpool. Nov. 22, at 1;  
 Liverpool.  
 LILLEY, JOHN, & ALFRED ASHALL, Merchants, Liverpool (Lilley & Co.)  
 Nov. 25, at 11; Liverpool.  
 SMITH, WILLIAM, Fish Merchant, Rungum, Norfolk. Nov. 26, at 1; Basing-  
 hall-st.  
 TUCKER, THOMAS, RIMINGTON, Brewer, 70 Mark-lane, and Boydon, Essex.  
 Nov. 25, at 12; Basinghall-st.  
 VERNON, JOSEPH YARDLEY, Draper, Stourbridge. Dec. 5, at 11; Birming-  
 ham.

## COMMUNICATES.

To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting.  
 TUESDAY, Nov. 1, 1859.  
 BUGGLES, HENRY, Coke Merchant, Liverpool. Nov. 21, at 12; Liverpool.  
 HOOKWAY, WILLIAM, Builder, Canton, Llandaff. Nov. 22, at 11; Bristol.  
 JAMES, CHARLES, Victualler, Loughborough. Nov. 29, at 11.30; New-  
 ingham.

YATES, JAMES, Pawnbroker, Bolton-le-Moors. Nov. 24, at 12; Manchester.

## FRIDAY, Nov. 4, 1859.

BELL, RICHARD, Boot and Shoe Manufacturer, 12 Greek-st., Soho. Nov.  
 22, at 1; Basinghall-st.  
 BURGUM, JOHN, Draper, Birmingham. Dec. 5, at 11; Birmingham.  
 PUGH, ALFRED, Dealer in Flour, Leeds. Nov. 29, at 1; Basinghall-st.  
 MIDLAND, ELIAS, Clothing Store Keeper, 27 Cheap-side. Nov. 28, at 1;  
 Basinghall-st.  
 THOMAS HENRY WILLIAMS, Licensed Victualler, Peterborough. Nov.  
 25, at 11; Basinghall-st.  
 VERNON, JOSEPH YARDLEY, Draper, Stourbridge. Dec. 5, at 11; Birming-  
 ham.  
 WIGLEY, THOMAS MILLINGTON, Builder, Birmingham. Dec. 3, at 11;  
 Birmingham.  
 WILKINSON, JOHN, Sittingbourne, in partnership with John Waldron, a  
 Railway Contractor, also carrying on business at Burgess-hill, near  
 Brighton, in partnership with William Ashdown, as Brickmakers, Nov.  
 25, at 12; Basinghall-st.

To be DELIVERED, unless APPEAL be duly entered.

## TUESDAY, Nov. 1, 1859.

CARR, WILLIAM, Coal Merchant, Liverpool. Oct. 24, 2nd class.  
 FREEMAN, JOHN, Chemist, 13, Blackfriars-rd. Oct. 26, 1st class.  
 INGRAM, CHARLES THOMAS, Oil Merchant, 155 Fenchurch-st. Oct. 26, 1st  
 class.  
 JOHNSON, THOMAS, Ship Owner, West Hartlepool. Oct. 27, 3rd class; at  
 the expiration of 21 days.  
 MANHEIM, RAER ADOLPH, Shoe Manufacturer, 16 Fane-st., Cripplegate.  
 Oct. 26, 2nd class.  
 HARRIS, GEORGE, Timber Merchant, 63 Old-st., St. Luke's. Oct. 26, 3rd  
 class.  
 PETERS, THOMAS, Tailor, Cambridge. Oct. 26, 1st class.

## FRIDAY, Nov. 4, 1859.

BRYANT, JOHN, Coal Merchant, Newport. Nov. 2, 1st class.  
 CROCKFORD, FREDERICK, Commission Agent, 53 St. James-st. Oct. 29, 2nd  
 class.  
 HOLDEN, JOSEPH, Painter, Bolton. Oct. 27, 2nd class.  
 HOUDEN, THOMAS, Earls Colne, Essex. Oct. 28, 2nd class.  
 SMITH, WILLIAM, Banker, Hemel Hempstead and Watford (Smith & Wil-  
 lington), formerly in partnership with Edmund Fearnley Whittingdale,  
 since deceased. Oct. 29, 3rd class.  
 TUCKER, WILLIAM OWEN, Builder and Contractor, Lea Bridge-rd., Essex.  
 Oct. 29, 1st class.

## Scotch Sequestrations.

## TUESDAY, Nov. 1, 1859.

CALDWELL, JAMES, Grocer, Johnstone, Renfrewshire. Nov. 4, at 1; Elck  
 Bull Inn, Johnstone. *See Oct. 25.*  
 FERGUSON, JAMES, Slater and Glazier, Wallace-town, Ayrshire. Nov. 7, at  
 1; Commercial-hotel, Ayr. *See Oct. 27.*  
 GRANT, DONALD, Cattle Dealer, Clachbain, Elgin. Nov. 4, at 12; Menzies  
 hotel, Carl Bridge. *See Oct. 28.*  
 MUIR, DUNCAN, Bellfield, ROBERT M'NEE, & JOHN MUIR, Printers, Kinn-  
 illoch, Lanark (M'Nee & Co.). Nov. 4, at 1; Faculty-hall, Glasgow.  
*See Oct. 26.*  
 MURDOCH, JOHN MUIR, Merchant, Glasgow, and Toronto, Canada West  
 (Murdoch & Currie). Nov. 8, at 1; Faculty-hall, Glasgow. *See*  
*Oct. 28.*  
 OVERBURY, NATHANIEL, Solicitor, Frederick's-pl., Old Jewry, and at  
 21 Princes-st., Edinburgh (Overbury & Peck). Nov. 4, at 3; Crown  
 hotel, Edinburgh. *See Oct. 28.*

## FRIDAY, Nov. 4, 1859.

ANDERSON, ROBERT, Milliner, 29 Bernhart-st., and 13 Kirkcaldy-st., Leith  
 (Anderson & Co.). Nov. 9, at 12; Stevenson's-rooms, Edinburgh. *See*  
*Oct. 21.*  
 WATSON, GEORGE, Farmer, Holmhead, near Coupar-Angus, Perth. *See*  
 Nov. 12, at 12; Strathmore Arms-hotel, Coupar-Angus. *See Oct. 31.*

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THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH

THE LAW NEWSPAPER COMPANY LIMITED



THE

# PUBLIC GENERAL STATUTES,

22-22 & 23 VICTORIÆ, 1859,

PASSED IN THE THIRD SESSION OF THE SEVENTEENTH AND THE FIRST SESSION  
OF THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND IRELAND.

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LONDON:

PUBLISHED AT THE OFFICE OF

THE LAW NEWSPAPER COMPANY LIMITED,

59, CAREY STREET, LINCOLN'S INN.

1859.

THE

# PUBLIC GENERAL STATUTES

33-35 & 33 VICTORIA 1890

PASSED IN THE THIRD SESSION OF THE SEVENTEENTH AND THE FIRST SESSION  
OF THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND IRELAND.

LONDON:  
YATES AND ALEXANDER,  
PRINTERS,  
6, HORSE-SHOE COURT, LUDGATE-HILL.

THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH

LONDON:  
PUBLISHED AT THE OFFICE OF  
THE LAW NEWSPAPER COMPANY LIMITED,  
25, CARRY STREET, LINCOLN'S INN.  
1890

# PUBLIC GENERAL STATUTES, 1859.

## 22 VICTORIA.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

### CAP. I.

*An Act more effectually to prevent Danger to the Public Health from Places of Burial.* [25th March, 1859.]

WHEREAS, by s. 23, 20 & 21 Vict. c. 81, "to amend the Burial Acts," it was enacted that it should be lawful for her Majesty, upon the representation of one of her Majesty's principal Secretaries of State, by and with the advice of her Privy Council, from time to time to order such acts to be done by or under the directions of the churchwardens or such other persons as might have the care of any vaults or places of burial, for preventing them from becoming or continuing dangerous or injurious to the public health; and such churchwardens or other persons should do, or cause to be done, all acts ordered as aforesaid, and the expenses incurred in and about the doing thereof should be paid out of the poor rates of the parish: And whereas it is expedient to amend the said enactment as hereinafter mentioned: Be it enacted &c.:

1. *Where Persons having the Care of a Place of Burial neglect to comply with Order in Council, the Churchwardens may act in their stead.* Where it appears to one of her Majesty's principal Secretaries of State, on the representation of any person authorised by him to inspect any vaults or place of burial in relation to which an Order in Council has been, or shall have been, issued under the said recited enactment, that any acts which by such Order in Council are ordered to be done by or under the direction of persons other than churchwardens having the care of such vaults or place of burial are not done or performed within a reasonable time, and according to the intent of such Order in Council, it shall be lawful for such Secretary of State, by writing under his hand, to authorise and direct the churchwardens of the parish in which such vaults or place of burial may be situate forthwith to do or complete the acts in such Order in Council mentioned, or such of them as remain undone, and such Order of the Secretary of State shall be obeyed by such churchwardens, and they and all persons acting under their direction shall have the same power of entering and doing all such acts upon the premises to which the Order in Council relates as if the said Acts had by the Order in Council been directed to be done by such churchwardens, and such vaults or place of burial had been under their care; and any person who shall obstruct such churchwardens or any others acting under their direction in relation to the premises, or remove or interfere with the works done by such churchwardens, shall be guilty of a misdemeanour.

2. *This and recited Act to be as One.* This Act shall be read together with the said Act of the 20th & 21st Vict. and the Burial Acts therein mentioned as one Act.

### CAP. II.

*An Act to repeal certain Acts and Parts of Acts which relate to the Observance of the Thirtieth of January and other Days.* [25th March, 1859.]

WHEREAS her Majesty has been graciously pleased, in pursuance of addresses of both Houses of Parliament, to issue her royal warrant for the discontinuance of the forms of prayer and service made for the 30th day of January, the 29th day of May, and the 5th day of November, and it is expedient that the enactments requiring the observance of those days, and (in Ireland) the 23rd day of October, as anniversary days, should be repealed: Be it enacted &c. as follows:

1. *Enactments for the Observance of the 30th January, 29th May, 5th November, and 23rd October, repealed.* The several Acts and parts of Acts mentioned in the Schedule to this Act, and every other enactment now in force which may be read or construed as requiring the observance of the 30th day of January, the 29th day of May, the 5th day of November, and the 23rd day of October, respectively, as anniversary days, or the use of any special services of the Church for those days respectively, shall be and the same are hereby repealed.

#### SCHEDULE.

##### ACTS OF THE PARLIAMENT OF ENGLAND.

Date of Act.	Title.	Extent of Repeal.
1790 c. 1.	An Act for a Public Thanksgiving to Almighty God every year on the Fifth Day of November.	The whole Act.
12 Car. 2. c. 14.	An Act for a perpetual Anniversary Thanksgiving on the Nine-and-twentieth Day of May.	The whole Act.
12 Car. 2. c. 30.	An Act for the Attainder of several Persons guilty of the horrid Murder of his late Sacred Majesty King Charles the First.	So far as it enacts that every Thirtieth Day of January, unless it falls out to be upon the Lord's Day, and then the Day next following, should be set apart to be kept and observed as an Anniversary Day as therein mentioned.
13 Car. 2. c. 7.	An Act for confirming Public Acts.	So far as it confirms the Enactment hereinbefore mentioned of the 12 Car. 2. c. 30.
13 Car. 2. c. 11.	An Act for confirming of Three Acts therein mentioned.	So far as it confirms the Act 12 Car. 2. c. 14.

##### ACT OF THE PARLIAMENT OF GREAT BRITAIN.

Date of Act.	Title.	Extent of Repeal.
24 G. 2. c. 23.	An Act for regulating the Commencement of the Year, and for correcting the Calendar now in use.	So far as it requires the keeping and observing of the Thirtieth Day of January, the Twenty-ninth Day of May, and the Fifth Day of November, as therein mentioned.

##### ACTS OF THE PARLIAMENT OF IRELAND.

Date of Act.	Title.	Extent of Repeal.
14 & 15 Car. 2. Sess. 4. c. 1.	An Act for a perpetual Anniversary Thanksgiving on the Nine-and-twentieth Day of May in this Kingdom.	The whole Act.
14 & 15 Car. 2. Sess. 4. c. 23.	An Act for keeping and celebrating the Twenty-third of October as an Anniversary Thanksgiving in this Kingdom.	The whole Act.



## CAP. III.

*An Act to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.* [25th March, 1859.]

## CAP. IV.

*An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.* [25th March, 1859.]

## CAP. V.

*An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.* [25th March, 1859.]

## CAP. VI.

*An Act to apply the Sum of One million two hundred twenty-two thousand three hundred and eighty-three Pounds Eight Shillings and Ninepence out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine.* [25th March, 1859.]

## CAP. VII.

*An Act to apply the Sum of Eleven Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine.* [25th March, 1859.]

## CAP. VIII.

*An Act to repeal the Thirty-second Section of the Act "for the more easy Recovery of Small Debts and Demands in England," and to make further Provision in lieu thereof.*

[25th March, 1859.]

WHEREAS it is provided by the 32nd section, 9 & 10 Vict. c. 95, that, until Parliament should otherwise direct, the High Bailiff of Westminster should have the execution of all process issuing out of any of the courts holden under that Act the jurisdiction of which should include the city and liberty of Westminster or any part thereof, and should be deemed the high bailiff of such courts, and the high bailiff of Southwark should have the execution of all process issuing out of any of the said courts the jurisdiction of which should include the borough of Southwark or any part thereof, and should be deemed the high bailiff of such last-mentioned courts, and no other high bailiff should be appointed for such courts: And whereas under the provisions of the said Act a court was established, and called the Westminster County Court of Middlesex, and the high bailiff of Westminster had the execution of all process which issued thereout, and was deemed the high bailiff thereof, and another court was established, and called the Southwark County Court of Surrey, and the high bailiff of Southwark had the execution of all process which issued thereout, and was deemed the high bailiff thereof: And whereas the persons for whose benefit the said 32nd section was enacted are deceased, and it is expedient that provision be now made by Parliament for the performance of the duties of the office of high bailiff of these courts by persons who will be able to devote their whole time thereto: Be it enacted &c. as follows:

1. *Sect. 32 of 9 & 10 Vict. c. 95, repealed, and other Provisions made as to Appointments of High Bailiffs of Westminster and Southwark.* [The 32nd section of the said Act is hereby repealed, and on the passing of this Act any person who may be deemed to be the high bailiff of either of the said courts, under the provisions of the said section, shall cease to be deemed and to be the high bailiff of the said Court; and high bailiffs for the Westminster County Court of Middlesex and the Southwark County Court of Surrey respectively, and for any other courts holden under the said Act of which the high bailiffs of Westminster and Southwark respectively would have been deemed high bailiffs under the said section, shall be from time to time appointed, and shall be liable to be removed, in the same manner as now by law provided concerning the appointment and removal of the high bailiffs of other courts holden under the said recited Act.]

## CAP. IX.

*An Act to effect an Exchange of Ecclesiastical Patronage between Her Majesty the Queen and Miss Sophia Bradley.*

[25th March, 1859.]

## CAP. X.

*An Act to settle the Form of Affirmation to be made in certain Cases by Quakers and others Persons by Law permitted to make an Affirmation instead of taking an Oath.*

[8th April, 1859.]

WHEREAS it is expedient to alter the form of affirmation to be taken by persons of the persuasion of the people called Quakers, and by other persons by law permitted to make a solemn affirmation or declaration instead of taking an oath

in the cases hereinafter mentioned: Be it enacted &c. as follows:—

1. *Form of Affirmation to be made by Quakers and other Persons by Law permitted to make an Affirmation instead of taking an Oath.* [Instead of the form of affirmation directed to be made and subscribed by persons of the persuasion of the people called Quakers, and other persons by law permitted to make a solemn affirmation or declaration instead of taking an oath, in and by 21 & 22 Vict. c. 48, every person of the persuasion of the people called Quakers, and every other person now by law permitted to make his solemn affirmation or declaration instead of taking an oath, shall be permitted to make his solemn affirmation in the following words—namely,

I A. B., do solemnly, sincerely, and truly declare and affirm, that I will be faithful, and bear true allegiance to Queen Victoria, and to her will be faithful against all conspiracies and attempts whatever which shall be made against her person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to Queen Victoria, her heirs and successors, all treasons and traitorous conspiracies which I shall know to be formed against her or them; and I will be true and faithful to the succession of the Crown, which succession, by an Act intitled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," is and stands limited to the Princess Sophia, Electress of Hanover, and heirs of her body being Protestants, hereby utterly renouncing and refusing any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm; and I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.

And the making and subscribing of such affirmation by a person hereinbefore authorised to make and subscribe the same shall have the same force and effect as the taking and subscribing by other persons of the oath appointed by the said Act of 21 & 22 Vict.

2. *The Name of the Sovereign for the time being to be substituted for the Name of Her Majesty.* [Where in the affirmation hereby appointed the name of her present Majesty is expressed or referred to, the name of the sovereign of this kingdom for the time being, by virtue of the Act "for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," shall be substituted from time to time, with proper words of reference thereto.]

## CAP. XI.

*An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.* [8th April, 1859.]

WHEREAS, in consequence of the recent disturbances in India, it is expedient that the Secretary of State in the Council of India should be enabled to raise money in the United Kingdom on the credit of the revenues of India: Be it therefore enacted &c. as follows:

1. *Power to the Secretary of State in Council of India to raise any sum not exceeding Seven Millions.* [It shall be lawful for the Secretary of State in Council of India, at any time or times before the 30th of April, 1860, or, if Parliament be then sitting, before the end of the then session of Parliament, to raise in the United Kingdom, for the service of the Government of India, any sum or sums of money not exceeding in the whole seven millions as hereinafter provided.]

2. *Money may be raised on Bonds under the Hands of Three Members of the Council of India, &c.* [It shall be lawful for the said Secretary of State in Council from time to time to borrow upon bonds to be issued under the hands of three members of the Council of India, and countersigned by the Secretary of State for India, or one of his under secretaries, or his assistant under secretary, all or any part of the money hereby authorised to be raised as aforesaid; such bonds to be for such respective amounts, payable after such notice, and at such rate or rates of interest as the said Secretary of State in Council may think fit.]

3. *When Money not borrowed on Bond, Debentures may be issued.* [For raising all or any part of the money by this Act authorised to be raised which may not be borrowed on bond as aforesaid, it shall be lawful for the said Secretary of State in Council to issue from time to time debentures under the hands of three members of the said Council, and countersigned as aforesaid, for such respective amounts, and at such rate or rates of interest, as the said Secretary of State in Council may think fit; such debentures to be issued at, or for such prices and on such terms as may be determined by the said Secretary of State in Council.]

4. *As to Payment of Principal and Interest on Debentures.* [All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such de-

debentures respectively; and the interest on all such debentures shall be payable half-yearly, on such days as shall be mentioned therein; and the principal moneys and interest secured by such debentures shall be payable at the treasury of the said Secretary of State in Council in London.

5. *Debentures Transferrable by Delivery or Deed.* All or any number of the debentures issued under the authority of this Act, and all right to and in respect of the principal moneys secured thereby, and all interest due and accruing thereon, shall be transferrable either by the delivery of such debentures respectively, or, at the discretion of the Secretary of State in Council, by deed.

6. *The whole Amount secured by Bonds, &c., not to exceed Seven Millions.* The whole amount of principal moneys to be secured by bonds or debentures, or by bonds and debentures, to be issued under this Act, shall not exceed seven millions, and no money shall be raised or secured under the authority of this Act after the said 30th of April, 1860, or, if Parliament be then sitting, after the end of the then session of Parliament, save for or upon the repayment of principal moneys previously secured under this Act, as hereinafter provided.

7. *Power to raise Money for Repayment of Principal Moneys.* Upon or for the repayment of the principal money secured under the authority of this Act, or any part of such money, the said Secretary of State in Council may at any time borrow or raise by bonds or debentures as aforesaid all or any part of the amount of principal money repaid or to be repaid, and so from time to time, as all or any part of any principal money for the time being secured under this Act may require to be repaid; but the amount to be secured by new securities shall not in any case exceed the principal money required to be repaid.

8. *Securities to be charged on Revenues of India.* All bonds and debentures to be issued under this Act, and the principal moneys and interest thereby secured, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the government of the said territories.

9. *Provision as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.* The provisions contained in sect. 4 of 5 & 6 Will. 4, c. 64, with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

10. *Forgery of Debentures to be punishable as Forgery of East India Bonds.* All provisions now in force in anywise relating to the offence of forging, or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any East India Bond, with intent to defraud, shall extend and be applicable to and in respect of any debenture issued under the authority of this Act, as well as to and in respect of any bond issued under the same authority.

11. *Returns to be annually prepared of Moneys raised on Loan, &c., and presented to Parliament.* Provided always, That on or before the 1st of February in each year the said Secretary of State in Council shall prepare or cause to be prepared a return of all moneys raised on loan under the provisions of this Act; also a return of all stocks, loans, debts, and liabilities then chargeable on the revenues of India at home and abroad, up to the latest period of time to which such return can be made out; that all such returns shall be presented to both Houses of Parliament on or before the 1st of February in each year, if Parliament is then sitting; and if Parliament is not sitting, then such returns shall be presented within ten days of the first meeting of Parliament after the 1st of February in each year.

12. *Saving Powers of the Secretary of State in Council.* This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State in Council at the time of the passing thereof.

## CAP. XII.

*An Act to make further Provision for the Purchase of Common and other Rights by her Majesty's Principal Secretary of State for the War Department, and in relation to Land vested in or taken by such Secretary of State.* [8th April, 1859.

## CAP. XIII.

*An Act to amend the Law concerning Patents for Inventions with respect to inventions for Improvements in Instruments and Munitions of War.* [8th April, 1859.

WHEREAS in some cases of inventions for improvements in instruments or munitions of war it may be important to the public service that the nature of the invention should not be published, and it is therefore expedient to amend the law concerning letters patent for inventions: Be it enacted &c. as follows:

1. *Improvement in Instruments or Munitions of War may be assigned by Inventors to Secretary of State for War.* Any inventor of any improvement in instruments or munitions of war, or the executors, administrators, or assigns of such inventor, may, for valuable consideration or without, assign to her Majesty's Principal Secretary of State for the War Department, on behalf of her Majesty, all the benefit of the invention, and of all letters patent obtained or to be obtained for the same, and such Secretary of State may be a party to the assignment, and such assignment shall be effectual to vest the benefit of such invention, and of such letters patent, in the said Secretary of State for the time being, on behalf of her Majesty, at law and in equity; and the benefit of such invention and of such letters patent shall be deemed property acquired by the said Secretary of State on behalf of her Majesty; and all covenants and agreements contained in such assignment for giving full effect thereto, and for keeping the invention secret, and otherwise in relation thereto, shall be valid and effectual (notwithstanding any want of valuable consideration), and may be enforced and proceeded upon by the said Secretary of State for the time being accordingly, and all actions, suits, and proceedings in relation thereto may be instituted and conducted by such Secretary of State for the time being, who shall have all such rights, privileges, and prerogatives in relation thereto as by law provided in the case of actions, suits, and proceedings concerning property under his care, control, and disposition.

2. *Foregoing Enactment to extend to Assignments already made.* The foregoing enactment shall extend to render valid and effectual, and be otherwise applicable to, and in respect of, any such assignment as aforesaid made before the passing of this Act, and the covenants and agreements contained in such assignment, as well as any such assignment to be made thereafter, and the covenants and agreements therein contained.

3. *Secretary of State for War may certify to Commissioners of Patents that the Invention should be kept secret.* Where any such assignment as aforesaid has been made to the said Secretary of State, he may, at any time before the filing of the petition for the grant of letters patent for the invention, or after the filing of such petition and before publication of the provisional specification (if any), if he think it for the benefit of the public service that the particulars of the invention, and of the manner in which the same is performed, should be kept secret, certify the fact of such assignment having been so made, and his opinion to the effect aforesaid, in writing under his hand to the Commissioners of Patents for Inventions.

4. *Where the Secretary of State for War has so certified, Petition for Letters Patent, &c., to be left with the Clerk of the Patents in a Packet under Seal of Secretary of State.* Where the said Secretary of State certifies as aforesaid the petition for letters patent for the invention, the declaration accompanying such petition, and the provisional specification or complete specification (as the case may be) filed or left therewith, and any specification to be filed, in pursuance of the condition of any letters patent for such invention, and all disclaimers and memoranda of alterations to be filed in relation to such letters patent, and any drawings accompanying any of the documents aforesaid, and any copies of any such documents or drawings, or, where the said Secretary of State so certifies after the said petition has been filed, such of the said documents and drawings as may be filed after his so certifying, and the copies thereof shall, in lieu of being filed or left in the ordinary manner in the office of the commissioners, or in the office appointed for that purpose under "The Patent Law Amendment Act, 1852," be delivered to the Clerk of the Patents in a packet sealed with the seal of the said Secretary of State.

5. *Such Packet to be kept so sealed, or under the Seal of the Commissioners.* Such packet shall at all times after the delivery thereof to the clerk of the patents, until the expiration of the term, or any extended term, for which letters patent for the invention may be granted, be kept by him sealed up as aforesaid, or under the seal of the commissioners, save when it may be necessary to have access to the documents therein contained,

or any of them, for the purpose of recording and endorsing the day of the filing thereof, or for the purpose of any reference to one of the law officers, either in relation to the same or any other invention; but in any such case as aforesaid the clerk of the patents shall not part with the care or custody of the said packet, or any of the said documents, save as may be required by one of the law officers for the purposes of any such reference, and shall use such precautions as may be necessary to prevent the contents or particulars of any such documents being improperly disclosed.

6. *Such sealed Packet to be delivered, on demand, to Secretary of State, or by Order of Lord Chancellor.*] Such sealed packet shall be delivered at any time during the continuance of any such letters patent to the said Secretary of State, or to any person having authority to receive the same on his behalf, on demand in writing under the hand of the said Secretary of State, or to such person as the Lord Chancellor may order, and shall, if and when the same is returned to the commissioners, be again sealed up and kept under seal as aforesaid.

7. *At the Expiration of Letters Patent sealed Packet to be delivered to Secretary of State.*] Such sealed packet as aforesaid shall, at the end of the term or extended term for which any letters patent for the invention to which the documents in such packet relate, be delivered up to the said Secretary of State, or to any person having authority to receive the same on his behalf.

8. *Where Secretary of State certifies after filing of Petition, Documents already filed to be put into a sealed Packet.*] Where the said Secretary of State certifies as aforesaid after the filing of the petition, and before the publication of the provisional specification (if any), such petition, and the declaration accompanying such petition, and the provisional specification and drawings relating to the invention which may have been filed or left in any such office as aforesaid, and all copies thereof in any such office, shall be forthwith placed in a packet sealed with the seal of the commissioners; and every such packet shall be subject to all the provisions of this Act concerning any sealed packet delivered to the clerk of the patents.

9. *Copy of Specification, &c., not to be sent to Scotland or Ireland, or published, but otherwise Provisions of Patent Acts to apply.*] No copy of any specification, or other document or drawing by this Act required to be kept under seal, shall be transmitted to Scotland or Ireland, or be printed, published, or sold, or be open to the inspection of the public; but, save as in this Act otherwise directed, the provisions of the Patent Law Amendment Act, 1852, and any Act amending the same, shall extend and be applicable to and in respect of every such specification and other document and drawing as aforesaid, and the letters patent and invention to which the same relates, and this Act and the Patent Law Amendment Act, 1852, shall be construed together as one Act.

10. *No Scire Facias to be brought.*] It shall not be lawful for any person to take proceedings by scire facias or otherwise to repeal any letters patent for any invention in relation to which the said Secretary of State has certified as aforesaid.

11. *Secretary of State may waive the Benefit of this Act as respects any Invention.*] The Secretary of State may, at any time, by writing under his hand, waive the benefit of this Act with respect to any particular invention, and the documents and matters relating thereto shall be thenceforth kept and dealt with in the ordinary way.

12. *Communication of Invention to Secretary of State, &c., not to prejudice Letters Patent.*] The communication of any invention for any improvement in instruments or munitions of war to the said Secretary of State, or to any person or persons authorised by him to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant or validity of any letters patent for the same.

13. *Construction of "Secretary of State."*] In the construction of this Act "her Majesty's Principal Secretary of State for the War Department" shall mean her Majesty's Principal Secretary of State for the time being, to whom her Majesty shall think fit to entrust the seals of the War Department.

#### CAP. XIV.

*An Act for the Abolition of Manor Courts and the better Recovery of Small Debts in Ireland.* [19th April, 1859.]

WHEREAS the continued existence of Manor Courts in Ireland has been found prejudicial to the proper administration of

justice: And whereas it is expedient that such manor courts should be abolished: Be it therefore enacted &c. as follows:

1. *Manor Courts abolished, but certain Manorial Rights preserved.*] From and after the passing of this Act all the said several manor courts in Ireland shall be abolished, and from and after the passing of this Act no action or suit shall be commenced in any of the said courts: Provided always, that the abolition of such manor courts shall not alter or affect any other franchise or manorial right, or any right to head money, leet money, or leet silver, or any other right appertaining to any manor which now by law may be exercised or exists, except where the seneschal is the returning officer of any borough within the said manor, in which case it is hereby enacted that the sheriff for the time being of the county in which such borough may be situated shall henceforth be the returning officer in lieu of the said seneschal: Provided also, that all proceedings commenced in the said manor courts before the passing of this Act shall be continued until decree or dismissal pronounced, as if they had been commenced and finally determined before this Act passed.

2. *Existing Judgments, Orders, and Decrees valid, to be enforced in County Courts by Chairman of Quarter Sessions.*] All judgments, orders, or decrees obtained in any of the Courts hereby abolished, shall, notwithstanding the passing of this Act, be valid and effectual, and capable of being enforced by the process of the several courts in Ireland held by the chairmen of quarter sessions, in the same manner, and by the same process, as the decrees pronounced in the said courts are now by law enforced; and the records, muniments, and writings of the several courts abolished by this Act shall, as soon as conveniently may be after the passing of this Act, be placed under the charge and superintendence of the clerk of the peace, and be deposited and kept by him with the other records of the county.

3. *Powers to renew Decrees founded on Orders of Seneschals and Stewards.*] It shall be lawful for the respective chairmen of quarter sessions of the several counties in Ireland, and the recorders of Dublin, Cork, Galway, and Londonderry, within the limits of their respective jurisdictions, to renew all decrees and dismissals made and pronounced by the several seneschals or stewards of the said manor courts, hereby abolished prior to this Act receiving the Royal assent, and every such renewed decree or dismissal shall be deemed a renewal, decree, or dismissal of the said chairman and recorders, as the case may be, and may be executed as such.

4. *Power to award Compensation to existing Seneschals, Stewards, &c.*] Every seneschal, steward, or registrar, or marshal of any manor court hereby abolished, in which proceedings have been had according to the course of the Court within one year before the 1st of January, 1859, and who shall show that he is legally entitled to such office, shall be entitled to make a claim for compensation to the Commissioners of her Majesty's Treasury within six calendar months after the passing of this Act; and it shall be lawful for the said commissioners, in such manner as they shall think fit, to inquire what was the nature of the office, and what was the tenure thereof, and what were the lawful fees actually received in respect of which such compensation should be allowed, and the commissioners shall in each cash award such gross or yearly sum, and for such time, as they shall think just to be awarded, upon the consideration of the special circumstances of each case, and all such compensation shall be paid out of such moneys as may be provided by Parliament for the purpose.

5. *Power to Justices at Petty Sessions to hear and determine Cases for Recovery of Debts not exceeding Two Pounds. Power to appeal to Quarter Sessions.*] And whereas it is enacted by 14 & 15 Vict. c. 92, that "it shall be lawful for any justice or justices at petty sessions to hear and determine certain disputes concerning any sums due for wages, or for hire of any horse, or for tuition, and to make such order as they shall see fit for payment, provided the sum shall not exceed ten pounds: And whereas by sect. 17 of the said Act justices are authorised to make awards as to disputes at sales in fairs and markets where the value does not exceed £5: And whereas it might be useful and beneficial to extend the said powers, and to authorise any justice or justices at petty sessions in like manner to hear and determine disputes concerning any sums of money which shall be due for small debts between party and party:" Be it therefore enacted, that it shall be lawful for the justice or justices at petty sessions to hear and determine causes for the recovery of debts between party and party under the value of £2, where the right to recover



such debts shall have accrued within 12 calendar months before the day of the date of the process hereinafter mentioned, and having heard what each party shall have had to say, and the evidence adduced by each, shall either make an order for the payment of the sum claimed, or shall dismiss the complaint, either upon the merits or without prejudice, and with or without costs, not exceeding 5s. in the form in schedule A. and shall direct execution by the seizure and sale of the defendant's or plaintiff's goods: Provided always, that it shall be lawful for either party to appeal from such order or decision of such justice or justices to the chairman of the quarter sessions in the civil court at the next general quarter sessions held in the same division and district of the county, the said sessions being held next immediately after such decision at petty sessions by such justice or justices when the order shall be made by the justice or justices in any petty sessions districts, or to the recorder at his next sessions when the order shall be made by the divisional justices in the police district of Dublin metropolis, or to the recorder of any corporate or borough town; provided always, that no such right of appeal shall exist unless three clear days shall elapse between the time when such order shall be made and such appeal can be heard; and if three days do not elapse the appeal shall be made to and heard at the next succeeding sessions for the division and district, which appeal the said justice or justices are hereby required to receive, and stop all proceedings on such order at petty sessions, the party appealing, if a defendant, first lodging with the clerk at petty sessions the amount ordered to be paid by the said justice or justices, or entering into a recognisance of appeal in manner prescribed by the summary jurisdiction (Ireland) Act, 1851, sec. 24, and if plaintiff, to deposit the sum of 5s. as aid for costs on the hearing of such appeal; and such chairmen and recorders are hereby respectively required and empowered to hear such appeal, and to issue a decree and execution thereon, in like manner and form as if such appeal had been brought before such chairman and recorders as an original civil bill under 14 & 15 Vict. c. 57, and with the like costs, but without further appeal.

6. *Forms of Process as those in Schedule A.* The process to be served upon the defendant in all cases, requiring him to appear before the justice or justices at petty sessions, and the orders made thereon, shall be in the form I. & II. in the schedule A. to this Act annexed, or as near thereto as the nature of the case will permit, and it shall not be necessary that such process shall be signed by any attorney, but it shall be sufficient if the same be signed by the complainant, or any person on behalf of such complainant; and the said forms shall be severally subject to the following stamp duties payable to her Majesty; that is to say,

	s. d.
For every original process.....	0 6
For every copy thereof served.....	0 6
For every certificate on appeal.....	1 0

7. *Stamps to be used in lieu of Fees at petty Sessions, and to be accounted for as provided by 21 & 22 Vict. c. 100.* Every paper or document in respect of which any fee shall be payable at petty sessions, under the provisions of this Act, shall bear an impressed or adhesive stamp denoting the amount or value of such fee, as the same is specified in schedule C. of this Act; and such impressed or adhesive stamps shall be supplied and accounted for in the like manner, and shall be subject to the like provisions, rules, and regulations, so far as the same are applicable, as are provided in respect of stamped forms or adhesive stamps by 21 & 22 Vict. c. 100.

8. *Duties granted by this Act to be deemed Stamp Duties, and the Provisions of the Stamp Acts to apply thereto.* The duties by this Act granted shall be denominated and deemed to be stamp duties, and shall be under the care and management of the Commissioners of Inland Revenue for the time being; and all powers, provisions, clauses, regulations, and directions, fines and penalties, contained in or imposed by the several Acts of Parliament relating to duties of the same kind or description in force at the time of the passing of this Act shall respectively be of full force and effect with respect to the duties by this Act granted, so far as the same are or may be applicable, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted with reference to the duties by this Act granted.

9. *Process to be served by Process Server authorised by Justices at Petty Sessions.* The process to appear shall in all cases be served by a process server, duly authorised by the justice or justices at petty sessions to serve summonses, three clear days before the first day of the petty sessions at which the case shall

be heard, and in no case whatsoever shall any process be served on Sundays, Good Friday, or Christmas-day, and service on any of the said days shall be absolutely void; and any such summons server shall be entitled to be paid by the complainant or person for whom he may be employed, such sum not exceeding the sum of 6d. for the service of each process upon each party as the justice or justices shall fix and determine.

10. *Defendant not to be sued, or obliged to appear, except within District of Petty Sessions in which he resides. Occupation of House, &c., deemed a Residence.* No defendant shall be liable to be sued or proceeded against at petty sessions under this Act, or obliged to appear in any cause to be heard and determined at any petty sessions held in any other part of the country than at the petty sessions held within the county and within the petty sessions district of such county in which the defendant or defendants reside or resides: Provided always, that if any defendant or defendants shall have and occupy any house, warehouse, counting-house, shop, factory, or office for the sale of goods, or for carrying on any business, within the district of such petty sessions district, he shall be deemed to have a residence within such petty sessions district. The several fees as set forth in schedules B. and C. shall be the proper fees payable on any proceedings under the provisions of this Act.

## SCHEDULE A.

## I.

## Process.

Date.

Petty Sessions district of —, county of —.

A. B., complainant. C. D., defendant.

The defendant is hereby required personally to appear before the justice [or justices] assembled at the petty sessions of —, on the — day of — next, to answer the plaintiff's bill in an action for the sum of —, for that the defendant is indebted to the said plaintiff in the said sum for [goods sold, money lent, settled account, &c., &c.], and in default of such appearance the said justices will be required to proceed as to justice shall appertain.

(Signed) A. B., plaintiff.

## II.

## Decree founded on Order.

Date.

A. B., complainant. C. D., defendant.

By the justices assembled at petty sessions held for the district of —: It appearing to the Court that process to appear at this present sessions was duly served on the defendant [or defendants], and that the defendant [or defendants] is [or are] justly indebted to the plaintiff [or plaintiffs] in the sum of — pounds [here state cause of action], it is therefore ordered by the Court that the plaintiff do recover the sum of — pounds, with costs, and that in default of payment thereof, and the said defendant not having appealed from such order, we order that the sum of — pounds and — pounds be levied of the goods of the said —.

(Signed) A. B., } Justices.  
C. D., }  
or  
E. F., Justice.

## Form of Certificate of Appeal.

Petty Sessions district of —, county of —.

A. B., plaintiff. C. D., defendant.

Whereas an order having this day been made that the defendant shall pay to the plaintiff the sum of — pounds [or that the plaintiff be dismissed, as the case may be], and the said plaintiff [or defendant, as the case may be], has appealed from such order, I certify that the said plaintiff [or defendant, as the case may be] paid into court the sum of — pounds [the sum ordered to be paid, or five shillings on the dismissal], in compliance with the said Act of —.

A. B., Clerk of Petty Sessions.

## SCHEDULE B.

s. d.

To plaintiff's attorney, for attending and taking instructions for and attending the hearing .. .. .	3 6
To defendant's attorney, for attending hearing .. .. .	3 6
To plaintiff's attorney, for attending the hearing of every appeal under this Act .. .. .	2 6
To defendant's attorney, for same .. .. .	2 6
To clerk of the peace, upon the entry of every appeal .. .. .	0 6
For signing the decree or dismissal on such appeal .. .. .	0 6

## SCHEDULE C.

On the entry of every process at petty sessions .. .. .	0 6
On the entry of every order of the magistrate in petty sessions book .. .. .	0 6
On every certificate of appeal .. .. .	0 6

## CAP. XV.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

[19th April, 1859.]

## CAP. XVI.

An Act to enable the Judges to appoint Commissioners within Ten Miles of London and in the Isle of Man and the Channel Islands to administer Oaths in Common Law, and to authorise the taking in the Country of Bail in Error, and Recognisances and Bail on the Revenue Side of the Exchequer.

[19th April, 1859.]

WHEREAS commissioners to administer oaths in proceedings

in the superior courts of common law are granted by the judges, under the authority of 29 Car. 2, c. 5, "An Act for taking Affidavits in the Country, to be made use of in the Courts of King's Bench, Common Pleas, and Exchequer," but such commissions are not granted to persons residing within ten miles of the city of London, except to the clerks of the judges of the said courts; and whereas the convenience of suitors and witnesses or deponents would be much promoted, expense saved, and the business of the courts expedited and facilitated, by authorising a certain number of attorneys of the said courts practising in different parts of London and its neighbourhood, and other fit and proper persons, to administer oaths in proceedings in such courts: Be it enacted &c. as follows:

1. *Power to Judges to appoint Commissioners to administer Oaths within Ten Miles of London.* It shall be lawful for the Lord Chief Justice and other the justices of the Court of Queen's Bench for the time being, or any two or more of them (whereof the Lord Chief Justice for the time being shall be one), and the Lord Chief Justice of the Court of Common Pleas and the rest of the justices there for the time being, or any two or more of them (whereof the Lord Chief Justice of the same court shall be one), and the Lord Chief Baron and the other barons of the Court of Exchequer for the time being, or any two or more of them (whereof the Lord Chief Baron for the time being shall be one), by one or more commission or commissions under the several seals of the said respective courts, from time to time, as need shall require, to appoint and empower as many persons as they shall think fit and necessary, such persons being attorneys of the said courts respectively, and practising within ten miles of Serjeants'-inn Hall, or other fit and proper persons, to administer oaths, and take and receive all and every such affidavit and affidavits, declarations or affirmations, as any person or persons shall be willing and desirous to make before any of the persons so empowered, in or concerning any cause, matter, or thing depending or hereafter to be depending or anywise concerning any of the proceedings in the said respective courts: Provided always, that nothing in this Act contained shall in any way prejudice or affect the power of the judges of the said courts respectively to issue commissions to the clerks of the judges of the said courts, as has been heretofore practised, and all such commissions as last aforesaid, already or hereafter to be issued, shall and are hereby declared to be valid and effectual.

2. *Style of Commissioners. Power to take Fees.* The persons so appointed or empowered shall be styled "London Commissioners to administer Oaths on Common Law," and they shall be entitled to charge and take a fee of 1s. 6d. for every oath administered by them, subject to any order of the said Courts respectively varying or annulling the same.

3. *Power to Judges to appoint Commissioners for the Isle of Man and the Channel Islands.* It shall also be lawful for the said Lord Chief Justices and Lord Chief Baron and the other judges and barons of the said courts respectively from time to time to appoint and empower, in manner aforesaid, any person or persons duly admitted as attorneys in any of the superior courts at Westminster, and other fit and proper persons in the Isle of Man or in the Channel Islands, or any of them, to administer oaths and take declarations or affirmations in the said courts of common law, and such persons shall be styled "Commissioners to administer Oaths in Common Law for the Isle of Man," or "for the Channel Islands" (as the case may be), and they shall be entitled to charge and take the same fees as the said London commissioners.

4. *Affidavits, &c., to be read and made use of as other Affidavits.* All affidavits, declarations, or affirmations taken or made before any commissioner appointed or empowered as aforesaid shall be read and made use of in the said courts respectively, to all intents and purposes, as other affidavits, declarations, or affirmations taken or made in the said courts now are; and all and every person and persons forswearing him, her, or themselves in such affidavit or affidavits, or falsely declaring or affirming in such declarations or affirmations, shall incur and be liable to the same penalties, and be deemed guilty of perjury, as if such affidavit or affidavits, declarations or affirmations, had been made or taken in open court, and may be prosecuted for the same, where such perjury was committed, or where such person or persons shall be apprehended on such a charge.

5. *Provisions of 4 Will. & M. c. 4, as to Bail in Error, and to Recognisances on the Revenue Side of the Exchequer, extended.* "And whereas it is also desirable to extend the Provisions 4 Will. & M. c. 4, 'An Act for taking Special Bails in the Country upon Actions and Suits depending in the Courts of King's Bench,

Common Pleas, and Exchequer at Westminster,' to the taking Bail in Error upon Proceedings commenced in the said Courts respectively, and to Proceedings on the Revenue Side of the Court of Exchequer:" Be it therefore further enacted, that the said recited Act, and all and every the provisions therein contained, and also all commissions heretofore issued in pursuance thereof, and now in force, shall apply and extend to and authorise the taking of bail in error, and the recognisances of bail in error, in all actions and suits commenced in either of the said courts, in like manner as in the case of special bail in actions and suits depending in either of the said courts, to all intents and purposes whatsoever; and the said Act, and all and every the provisions therein contained, and also all commissions heretofore issued in pursuance thereof under the seal of the Court of Exchequer, shall also apply and extend to and authorise the taking of all recognisances of every kind, and all bail as well in error as otherwise, on the revenue side of the Court of Exchequer.

## CAP. XVII.

*An Act to continue an Act of the Eleventh and Twelfth Years of her present Majesty, for amending the Laws relating to Savings Banks in Ireland.* [19th April, 1859.]

WHEREAS an Act was passed, 11 & 12 Vict. c. 133, "An Act to amend the Laws relating to Savings Banks in Ireland;" And whereas the said Act was continued in force by another Act, 17 & 18 Vict. c. 50, 1st day of January, 1858, and until the end of the next ensuing session of Parliament: And whereas it is expedient that the said first-recited Act should be further continued: Be it therefore enacted &c. as follows:

1. *Act continued.* The said Act 11 & 12 Vict. c. 133, shall be further continued until the 1st day of January, 1861, and until the end of the then next ensuing session of Parliament.

## CAP. XVIII.

*An Act for amending and confirming a Scheme of the Charity Commissioners for Sir Thomas White's Charity, and the Free Grammar School in the Town of Nottingham.* [19th April, 1859.]

## CAP. XIX.

*An Act to make further Provision for enabling the Commissioners of her Majesty's Works to acquire a Site for additional Offices for the Public Service near Whitehall and Her Majesty's Palace at Westminster.* [19th April, 1859.]

## CAP. XX.

*An Act to provide for taking Evidence in Suits and Proceedings pending before Tribunals in her Majesty's Dominions in Places out of the Jurisdiction of such Tribunals.* [19th April, 1859.]

WHEREAS it is expedient that facilities be afforded for taking evidence in or in relation to actions, suits, and proceedings pending before tribunals in her Majesty's dominions in places in such dominions out of the jurisdiction of such tribunals: Be it enacted &c. as follows:

1. *Order for Examination of Witnesses out of the Jurisdiction in relation to any Suit pending before any Tribunal in her Majesty's Possessions.* Where upon an application for this purpose it is made to appear to any court or judge having authority under this Act that any court or tribunal of competent jurisdiction in her Majesty's dominions has duly authorised, by commission, order, or other process, the obtaining the testimony in or in relation to any action, suit, or proceeding, pending in or before such court or tribunal of any witness or witnesses out of the jurisdiction of such court or tribunal, and within the jurisdiction of such first-mentioned court, or of the court to which such judge belongs, or of such judge, it shall be lawful for such court or judge to order the examination before the person or persons appointed, and in manner and form directed by such commission, order, or other process as aforesaid, of such witness or witnesses accordingly; and it shall be lawful for the said court or judge by the same order, or for such court or judge, or any other judge having authority under this Act, by any subsequent order, to command the attendance of any person to be named in such order for the purpose of being examined, or the production of any writings or other documents to be mentioned in such order, and to give all such directions as to the time, place, and manner of such examination, and all other matters connected therewith, as may appear reasonable and just, and any such order may be enforced, and any disobedience thereof punished, in like manner as in case of an order made by such court or judge in a cause depending in such court or before such judge.

2. *Penalty on Persons giving false Evidence.* Every person examined as a witness under any such commission, order, or

other process as aforesaid, who shall upon such examination wilfully and corruptly give any false evidence, shall be deemed and taken to be guilty of perjury.

3. *Payment of Expenses.*] Provided always, that every person whose attendance shall be so ordered shall be entitled to the like conduct money, and payment for expenses and loss of time, as upon attendance at a trial.

4. *Power to Persons to refuse to answer Questions to criminate himself, or to produce Documents.*] Provided also, that every person examined under any such commission, order, or other process as aforesaid, shall have the like right to refuse to answer questions tending to criminate himself, and other questions which a witness in any cause pending in a court by which, or by a judge whereof, or before the judge by whom the order for examination was made, would be entitled to; and that no person shall be compelled to produce under any such order as aforesaid any writing or other document that he would not be compellable to produce at a trial of such a cause.

5. *Certain Courts and Judges to have Authority under this Act.*] Her Majesty's superior courts of common law at Westminster and in Dublin respectively, the Court of Session in Scotland, and any supreme court in any of her Majesty's colonies or possessions abroad, and any judge of any such court, and every judge in any such colony or possession who, by any order of her Majesty in council, may be appointed for this purpose, shall respectively be courts and judges having authority under this Act.

6. *Power to Judges to frame Rules, &c., for giving effect to provisions of this Act.*] It shall be lawful for the Lord Chancellor of Great Britain, with the assistance of two of the judges of the courts of common law at Westminster, so far as relates to England, and for the Lord Chancellor of Ireland, with the assistance of two of the judges of the Courts of Common Law at Dublin, so far as relates to Ireland, and for two of the judges of the Court of Session, so far as relates to Scotland, and for the chief or only judge of the supreme court in any of her Majesty's colonies or possessions abroad, so far as relates to such colony or possession, to frame such rules and orders as shall be necessary or proper for giving effect to the provisions of this Act, and regulating the procedure under the same.

## CAP. XXI.

*An Act to amend the Medical Act, 1858.*

[19th April, 1859.

WHEREAS by 21 & 22 Vict. c. 90, "The Medical Act," provision is made for the registration of members of the medical profession, and certain disabilities are imposed, after the 1st day of January, 1859, on members of that profession who are not then registered: And whereas, by reason of the time required for the collection and examination of the proper evidence on the first formation of "the Medical Register," it is expedient to amend the said Act as hereinafter mentioned: And whereas it is expedient that schedule D. of the aforesaid Act should be amended: And whereas in ss. 31 & 47 of the Medical Act, 1858, the terms "Fellow" and "Member" of the Royal Colleges of Physicians of London and Edinburgh are made use of, whilst in schedule A. in the same Act "Fellows," "Licentiates," and "Extra Licentiates," of the said colleges are alone entitled to be registered: Be it enacted &c. as follows:

1. *1st July, 1859, to be substituted in ss. 32, 34, 36, & 37, of recited Act for 1st January, 1859.*] The 1st day of July, 1859, shall be substituted, in ss. 32, 34, 36 & 37 respectively of the said Act, for the 1st day of January, 1859; and the said several sections, and all provisions of the said Act having reference thereto, shall be construed and take effect as if the word July had been originally inserted in each of the said sections instead of the word January.

2. *Sect. 33 of recited Act repealed.*] Sect. 33 of the said Act shall be repealed, and no person shall, by reason of the said Act, be, or be deemed to have been, disqualified to hold such office as mentioned in the said s. 33, or any appointment mentioned in the said s. 36, unless he shall have failed to be registered on or before the 1st day of July, 1859.

3. *Part of Schedule D. repealed.*] The fourth column of schedule D. of the said Act with its heading shall be repealed and omitted.

4. *Amendments to Heads of Schedule A.*] The term "Member" shall be added after the term "Fellow" to the qualifications described in the first and second heads of Schedule A.

5. *"Forty-six" to be substituted for "Forty-five" in Schedule A.*] And whereas in schedule A. of the said Act there is a reference to sect. "forty-five," but the word "five" is there in-

serted by mistake: Now it is hereby enacted, that the words "forty-six" shall be deemed to be substituted in this schedule in the place of the words "forty-five."

6. *Persons not British Subjects having obtained Degree may act as Resident Physician, &c., of any Hospital exclusively for Foreigners.*] Nothing in the said Act contained shall prevent any person not a British subject who shall have obtained from any foreign university a degree or diploma of doctor in medicine, and who shall have passed the regular examinations entitling him to practise medicine in his own country, from being and acting as the resident physician or medical officer of any hospital established exclusively for the relief of foreigners in sickness: Provided always, that such person is engaged in no medical practice except as such resident physician or medical officer.

## CAP. XXII.

*An Act for raising the sum of Thirteen million two hundred and seventy-seven thousand four hundred pounds by Exchequer Bills, for the service of the Year One thousand eight hundred and fifty-nine.*

[19th April, 1859.

## CAP. XXIII.

*An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-nine, and to appropriate the Supplies granted in this Session of Parliament.*

[19th April, 1859.

## CAP. XXIV.

*An Act to render valid certain Marriages in the Church of Saint James Baldersby, in the County of York.*

[19th April, 1859.

## CAP. XXV.

*An Act for the Government of the Convict Prisons in her Majesty's Dominions Abroad.*

[19th April, 1859.

## CAP. XXVI.

*An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service.*

[19th April, 1859.

WHEREAS an Act was passed, 4 & 5 Will. 4, c. 24, "to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held civil offices in his Majesty's service:" And whereas by 20 & 21 Vict. c. 37, s. 27, of the first-recited Act, by which an abatement was directed to be made from the salaries of civil servants entitled to superannuation allowance, was repealed: And whereas it is desirable further to amend the said Act as hereinafter mentioned: Be it therefore enacted &c. as follows:

1. *Sects. 10, 11, 13, 14, 15, 17, 19, & 24, of 4 & 5 Will. 4, c. 24, repealed.*] Sects. 10, 11, 13, 14, 15, 17, 19, & 24, of the said 4 & 5 Will. 4, c. 24, are hereby repealed, but such repeal shall not affect any pension, compensation, or superannuation allowance granted or act done before the passing of this Act.

2. *Ordinary Rate of Superannuation Allowance.*] Subject to the exceptions and provisions hereinafter contained, the superannuation allowance to be granted after the commencement of this Act to persons who shall have served in an established capacity in the permanent civil service of the State, whether their remuneration be computed by day pay, weekly wages, or annual salary, and for whom provision shall not otherwise have been made by Act of Parliament, or who may not be specially excepted by the authority of Parliament, shall be as follows; that is to say,

To any person who shall have served ten years and upwards, and under eleven years, an annual allowance of ten-sixtieths of the annual salary and emoluments of his office:

For eleven years, and under twelve years, an annual allowance of eleven-sixtieths of such salary and emoluments:

And in like manner a further addition to the annual allowance of one-sixtieth in respect of each additional year of such service, until the completion of a period of service of forty years, when the annual allowance of forty-sixtieths may be granted; and no addition shall be made in respect of any service beyond forty years:

Provided always, that if any question should arise in any department of the public service as to the claim of any person or class of persons for superannuation under this clause, it shall be referred to the Commissioners of the Treasury, whose decision shall be final.

3. *This Act to apply to Persons already in the Civil Service, but without Prejudice to existing Rights.*] Nothing herein contained shall interfere with the grant to the officers and clerks



who entered the public service prior to the 5th day of August, 1829, of such superannuation allowances as might hereafter have been granted to them under s. 9 of the said 4 & 5 Will. 4, c. 24, or shall prevent, restrict, or diminish any other superannuation allowance, pension, gratuity, or compensation which, if this Act had not been passed, might hereafter have been granted to any person who shall have entered the public service before the passing of this Act, but, except as aforesaid, the provisions hereinafter contained shall apply as well to persons who have already entered the public service, whether before or after the said 5th day of August, 1829, as to those who may hereafter enter the public service.

4. *Provision for computing Amount of Superannuation to Persons holding professional and other special Offices.* It shall be lawful for the Commissioners of the Treasury from time to time, by any order or warrant, to declare that, for the due and efficient discharge of the duties of any office, or class of offices, to be specified in such order or warrant, professional or other peculiar qualifications, not ordinarily to be acquired in the public service, are required; and that it is for the interest of the public that persons should be appointed thereto at an age exceeding that at which public service ordinarily begins; and by the same or any other order or warrant, to direct that, when any person now holding, or who may hereafter be appointed to such office, or of any such class of offices, shall retire from the public service, a number of years not exceeding twenty, to be specified in the said order or warrant, shall, in computing the amount of superannuation allowance which may be granted to him under the foregoing section of this Act, be added to the number of years during which he may have actually served, and also to direct that in respect of such office or class of offices the period of service required to entitle the holders to superannuation may be a period less than ten years, to be specified in the order or warrant; and also to direct that, in respect of such office or class of offices, the holder may be entitled to superannuation, though he may not hold his appointment directly from the Crown, and may not have entered the service with a certificate from the civil service commissioners: Provided always, that every order or warrant made under this enactment shall be laid before Parliament.

5. *Allowances in Cases of bodily Injury.* It shall be lawful for the Commissioners of the Treasury to grant to any person who, being the holder of an office in respect of which a superannuation allowance may be granted, but not having completed the period which would have entitled him to a superannuation allowance, is compelled to quit the public service by reason of severe bodily injury, occasioned, without his own default, in the discharge of his public duty, a gratuity not exceeding three months' pay for every two years of service, or a superannuation allowance not exceeding ten-sixtieths of the annual salary and emoluments of his office.

6. *Power to Treasury to grant Gratuities in Case of short Service.* It shall be lawful for the Commissioners of the Treasury to grant to any person who, being the holder of an office in respect of which a superannuation allowance may be granted, is constrained, from infirmity of mind or body, to leave the public service before the completion of the period which would entitle him to a superannuation allowance, such sum of money by way of gratuity, as the said commissioners may think proper, but so as that no such gratuity shall exceed the amount of one month's pay for each year of service.

7. *Power to Treasury to grant Allowances on Abolition of Offices.* It shall be lawful for the Commissioners of the Treasury to grant to any person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs, by which greater efficiency and economy can be effected, such special annual allowance by way of compensation as on a full consideration of the circumstances of the case may seem to the said commissioners to be a reasonable and just compensation for the loss of office, and if the compensation shall exceed the amount to which such person would have been entitled under the scale of superannuation provided by this Act, if ten years were added to the number of years which he may have actually served, such allowance shall be granted by special minute, stating the special grounds for granting such allowance, which minute shall be laid before Parliament, and no such allowance shall exceed two-thirds of the salary and emoluments of the office.

8. *Condition of Grant of full Superannuations to public Servants not Heads of Departments.* It shall not be lawful for the Commissioners of the Treasury to grant the full amount of superannuation allowance which can be granted under this

Act to any person not being the head officer or one of the head officers of a department, unless upon production of a certificate (signed by the head officer of the department, or by two head officers, if there be more than one) that he has served with diligence and fidelity to the satisfaction of such head officer or officers; and in every case in which any superannuation allowance is granted, after the refusal of such certificate, the minute granting it shall state such refusal and the grounds on which the allowance is granted.

9. *Power to Treasury to grant Allowances for special Services, and for Demerits in individual Cases.* Provided, that it shall be lawful for the Commissioners of the Treasury to grant to any person any superannuation, compensation, gratuity, or other allowance of greater amount than the amount which might be awarded to him under the foregoing provisions, when special services rendered by such person, and requiring special reward, shall appear to them to justify such increase, but so that such allowance shall in no case exceed the salary and emoluments enjoyed by the grantee at the time of retirement, and the grounds of every such increase shall be stated in a minute of the Treasury, which shall be laid before Parliament; and it shall be lawful for the said commissioners to grant to any person any such allowance of less amount than otherwise would have been awarded to him where his defaults or demerit in relation to the public service appear to them to justify such diminution.

10. *Evidence of Infirmity of Persons under Sixty.* It shall not be lawful to grant any superannuation allowance under the provisions of this Act to any person who shall be under sixty years, unless upon medical certificate to the satisfaction of the Commissioners of the Treasury that he is incapable, from infirmity of mind or body, to discharge the duties of his situation, and that such infirmity is likely to be permanent.

11. *Persons superannuated under Sixty may be required to serve again.* Every person to whom a superannuation or compensation allowance shall have been granted before he shall have attained the age of sixty years shall, until he has attained that age, be liable to be called upon to fill, in any part of her Majesty's dominions in which he shall before have served, any public office or situation under the Crown for which his previous public services may render him eligible; and if he shall decline, when called upon to do so, to take upon him such office or situation, or shall decline or neglect to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the compensation or superannuation allowance which had been granted to him.

12. *Persons to retain Right to Superannuation on Transfer to other Employment under the Crown.* "And whereas it will be for the advantage of the public service that officers holding employments entitling them to superannuation allowances under this or other Acts shall be eligible for other public employments at home and abroad, without forfeiting their claims to such allowances:"

Every officer already or hereafter to be transferred from employment entitling him to superannuation allowance to public employment under the Crown not so entitling him shall be entitled, on his ultimate retirement from the public service, to the same allowance as if he had continued to hold the vacated appointment and at the same rate of salary as when the same was vacated, subject nevertheless to the conditions which would in that case have been applicable with respect to the grant of such allowance: Provided that it shall be lawful for the Commissioners of the Treasury, in the case of officers transferred to governorships and lieutenant-governorships of colonies, and other high offices abroad, conferred for a limited period, to grant such superannuation allowance to such officers on the expiration of such term of service without a renewal of public employment; but any officer to whom such grant is made while under the age of sixty years shall be subject to the same liability to be called upon to fill office under the Crown, as herein provided concerning other persons under that age to whom like allowances are granted.

13. *Orders, &c., within what time to be laid before Parliament.* All orders, warrants, and minutes by this Act directed to be laid before Parliament shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be sitting, and if Parliament be not sitting then within fourteen days after the next meeting thereof.

14. *Sect. 6 of 57 Geo. 3, c. 65, only to apply to Officers having had Seats in Parliament.* No pension shall be granted under the provisions of s. 6 of 57 Geo. 3, c. 65, to any person who shall not have had a seat in one of the Houses of Parliament during

the period for one half of the period for which he has held office, as in this said section is mentioned, as has been done in all such cases in the past.

**15. Act in Schedule to be construed as referring to this Act.]** The several sections mentioned in the schedule hereto of the several Acts of Parliament, also therein mentioned, shall be construed as if this Act, instead of the said 4 & 5 Will. 4, c. 24, had been referred to in the said sections; and such other enactments as refer to the scale of superannuation allowance established by the provisions hereby repealed of the said Act shall be construed as if the scale established by this Act had been referred to.

**16. Allowances to be paid free from Taxes.]** All superannuations, compensations, gratuities, and other allowances granted or hereafter under this Act to be granted shall be paid to the persons entitled to receive the same without any abatement or deduction in respect of any taxes or duties whatever at present existing except the tax upon property or income.

**17. Who to be deemed Civil Servants.]** For the purposes of this Act, no person hereafter to be appointed shall be deemed to have served in the permanent civil service of the State unless such person holds his appointment directly from the Crown, or has been admitted into the civil service with a certificate from the civil service commissioners; nor shall any person, already appointed to any office, be held to have served in the permanent civil service as aforesaid, unless such person belong to a class which is already entitled to superannuation allowance, or to a class in which, if he had been appointed thereto subsequently to the passing of this Act, he would, as holding his appointment directly from the Crown, or as having been admitted into the civil service with such certificate as aforesaid, have become entitled to such allowance; and no person shall be entitled to any superannuation allowance under this Act, unless his salary or remuneration has been provided out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of moneys voted by Parliament.

**18. 4 & 5 Will. 4, c. 24, and this Act to be construed together.]** So much of the said 4 & 5 Will. 4, c. 24, as is now in force and not hereby repealed, and this Act, shall be construed together as one Act.

**19. Short Title.]** It shall be sufficient, in citing this Act, to use the expression, "The Superannuation Act, 1859."

#### SCHEDULE A.

5 & 6 Will. 4, c. 24, s. 1. 15 & 16 Vict. c. 73, s. 15.  
7 Will. 4 & 1 Vict. c. 30, s. 21. 15 & 16 Vict. c. 87, s. 46.  
8 & 9 Vict. c. 100, ss. 5, 10. 17 & 18 Vict. c. 78, s. 22.  
13 & 14 Vict. c. 39, s. 32. 19 & 20 Vict. c. 110, s. 2.

#### CAP. XXVII.

**An Act to facilitate Grants of Land to be made near populous Places for the Use of regulated Recreation of Adults, and as Play-grounds for Children.** [19th April, 1859.]

WHEREAS the want of open public grounds for the resort and recreation of adults, and of playgrounds for children and youth, is much felt in the metropolis and other populous places within this realm; and by reason of the great and continuous increase of the population and extension of towns such evil is seriously increasing, and it is desirable to provide a remedy for the same: It is therefore enacted &c. as follows:

**1. Lands may be conveyed to Trustees to be held by them as public Grounds, &c.]** Any lands may be lawfully conveyed to trustees, to be held by them as open public grounds for the resort and recreation of adults, and as playgrounds for children and youth or either of such purposes, and for any estate, and subject to any reservation, restrictions, and conditions which the donor or grantor may think fit: but this enactment shall not extend to authorise any lands to be so conveyed for any greater estate or interest than the donor or grantor would, independently of this Act, have power to dispose of.

**2. Form of Conveyance.]** Any such conveyance of land to trustees may be in the following form, subject to any modification thereof, which the case may require:

"I, A. B., do hereby convey and grant to —, as trustees for public ground for the parish [or parishes] of — [here describe the lands conveyed or granted], to be held by them as public ground for the purposes of 'The Recreation Grounds Act, 1859.'"

And it is hereby enacted, that the grant or conveyance of

such lands shall not require enrolment, nor to be by indenture, and shall be valid, although the donor or grantor shall die within twelve calendar months after the making of such grant, any of the provisions of 9 Geo. 2, c. 36, to the contrary notwithstanding.

**3. How Grants of Lands belonging to Municipal Corporations may be made.]** With respect to lands belonging to any municipal corporation, such grant may be lawfully made by the body corporate, with the consent of the Commissioners of her Majesty's Treasury, signified by their executing the deed of conveyance.

**4. How Grants of Lands belonging to Parishes may be made.]** With respect to lands belonging to any parish, such grant may and shall be made by the trustees or feelees (if there shall be such), or otherwise by the churchwardens and overseers of the parish, in pursuance of a resolution for that purpose of the vestry or other body having the management of the affairs of such parish, passed in meeting duly assembled for the purpose, and with the approbation of the Poor Law Board, to be testified by their seal being affixed to the deed of conveyance.

**5. Appointment of Trustees.]** With respect to the appointment of trustees for holding any such grounds for the purpose aforesaid, the lord of any manor, or the churchwardens of any parish, or the overseers of the poor of any parish or township, or all or any of such persons to whom lands shall have been conveyed as aforesaid, shall be a body corporate for taking, holding, and disposing of such grounds, and instituting, maintaining, and defending any proceedings relating thereto; but the management and direction of the same shall be and remain in such persons as may be named in the deed of conveyance thereof; and in case no such persons shall be so named, or there shall be a failure of such managers and directors, the Charity Commissioners for England and Wales shall have power to settle a scheme for the appointment of the managers and directors.

**6. Managers and Directors may make and enforce Bye-laws and Regulations, subject to the Approval of said Commissioners.]** The managers and directors may from time to time make and enforce any such bye-laws, orders, and regulations for the management, preservation, disposition, and care of the said grounds, and the government of all persons using or frequenting the same, as shall be approved by the said Commissioners, and in accordance with the conditions of the grant; and no bye-laws, orders, or regulations in any manner restricting the public use or enjoyment of the said grounds shall be valid unless sanctioned with such approbation.

**7. Personal Property may be bequeathed for Purposes of Grounds.]** It shall be lawful for any person to bequeath any personal property, not exceeding £1,000 in amount, for the purpose of defraying the expenses of purchasing, preparing, maintaining, and preserving such grounds for the purposes aforesaid, and ornamenting the same.

**8. Extent of Act and short Title.]** This Act shall extend to England and Ireland only, and may be cited for all purposes by the title of "The Recreation Grounds Act, 1859."

#### CAP. XXVIII.

**An Act to continue the Act for the Regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.** [19th April, 1859.]

WHEREAS an Act was passed, 11 & 12 Vict. c. 58, for regulating the annuities and premiums of the Naval Medical Supplemental Fund Society; and by s. 2 of that Act it was enacted, that such Act should take effect and continue in force for ten years from the passing thereof, and from thence to the end of the then next session of Parliament: and whereas it is expedient that such Act should be continued for the period hereinafter mentioned: Be it therefore enacted &c. that the hereinbefore recited Act, 11 & 12 Vict. c. 58, shall continue in force for ten years from the passing of this Act, and thence to the end of the then next session of Parliament.

#### CAP. XXIX.

**An Act to continue the Act for charging the Maintenance of certain Paupers upon the Union Funds.** [19th April, 1859.]

WHEREAS by 20 Vict. c. 18, certain provisions made by the several Acts therein referred to for charging upon the common



fund of the union the costs of the relief and of the burial of certain poor persons, in those several Acts described; and the costs of removing and maintaining certain lunatic paupers were continued until the 30th day of September in last year, and to the end of the then ensuing session of Parliament, and it is expedient that such provisions should be further continued for a limited time: Be it therefore enacted &c. as follows:

1. *Temporary Provisions of recited Act further continued.* That all the said temporary provisions continued by 20 Vict. c. 18, shall further continue in full force until the 30th day of September, 1856, and to the end of the then next session of Parliament.

## CAP. XXX.

An Act to Amend the "Confirmation and Probate Act, 1858." [19th April, 1859.]

BE it enacted &c. as follows:

1. *Persons, &c. making Payments upon Confirmations and Probates under Act of 1858, to be indemnified.* All persons and corporations who, in reliance upon any instrument purporting to be a confirmation granted under the "Confirmation and Probate Act, 1858," and all persons and corporations who in reliance upon any such instrument which may be sealed under the authority of the said Act with the seal of the principal Court of Probate in England or of the Court of Probate in Dublin, and all persons or corporations who, in reliance upon any instrument purporting to be a probate or letters of administration granted by the Court of Probate in England or Court of Probate in Dublin, and having endorsed or written thereon a certificate by the Commissary Clerk of Edinburgh, in the form in the said Confirmation and Probate Act prescribed, shall have made or permitted to be made, or shall make or permit to be made, any payment or transfer bona fide upon any such confirmation, probate, or letters of administration, shall be indemnified and protected in so doing, notwithstanding any defect or circumstance whatsoever affecting the validity of such confirmation, probate, or letters of administration.

2. *Short Title.* This Act may be cited as the "Confirmation and Probate Amendment Act, 1859."

## CAP. XXXI.

An Act to confirm certain Provisional Orders under the Local Government Act (1858). [19th April, 1859.]

## CAP. XXXII.

An Act to amend the Law concerning the Remission of Penalties. [19th April, 1859.]

WHEREAS penalties which under penal statutes are made payable to parties other than the Crown cannot be remitted or pardoned by the Crown where no express provision has been made by the statute for that purpose, and it is expedient that the law as to the remission of such penalties should be amended and made uniform: Be it therefore enacted &c. as follows; that is to say,

1. *Penalties for Offences may be remitted by the Crown although payable to Parties other than the Crown.* It shall be lawful for her Majesty (or in Ireland for the Lord-Lieutenant or other chief governor or governors of Ireland) to remit in whole or in part any sum of money which under any Act now in force or hereafter to be passed may be imposed as a penalty or forfeiture on a convicted offender, although such money may be in whole or in part payable to some party other than the Crown, and to extend the royal mercy to any person who may be imprisoned for nonpayment of any sum of money so imposed, although the same may be in whole or part payable to some party other than the Crown.

## CAP. XXXIII.

An Act to enable Coroners in England to admit to Bail Persons charged with Manslaughter. [19th April, 1859.]

WHEREAS in many cases inconvenience and expense have been occasioned by the inability of coroners in England to admit to bail persons charged by the verdict of a coroner's jury with the offence of manslaughter: Be it therefore enacted &c. as follows:

1. *In Cases of Manslaughter the Coroner may admit Persons charged to Bail.* In every case in which a coroner's jury shall have found a verdict of manslaughter against any person or persons, it shall be lawful for the coroner or deputy coroner

before whom the inquest was taken to accept bail, if he should think fit, with good and sufficient sureties, for the appearance of the person so charged with the offence of manslaughter at the next assize and general gaol delivery to be holden in and for the county within which the inquest was taken; and thereupon such person if in custody of any bailiff or other officer of the coroner's court, or in any gaol under a warrant of commitment issued by such coroner, shall be discharged therefrom.

2. *Recognisances to be taken.* In every case in which any coroner or deputy coroner shall admit any person to bail he shall cause recognisances to be taken in the form given in the schedule to this Act, and give a notice thereof to every person so bound, and shall return such recognisances to the then next ensuing assizes, and such coroner or deputy coroner shall be entitled to such fees and charges as the clerks of justices of the peace are by law entitled to on admitting persons charged to bail.

3. *Persons against whom Coroner's Juries have found Verdicts of Manslaughter to be supplied with Depositions.* At any time after all the depositions of witnesses shall have been taken, every person against whom any coroner's jury may have found a verdict of manslaughter shall be entitled to have from the person having custody thereof copies of the depositions on which such verdict shall have been found, on payment of a reasonable sum for the same, not exceeding the rate of three halfpence for every folio of ninety words.

## SCHEDULE.

Be it remembered, that, on the — day of —, in the year of our Lord —, A. D. of — [labourer], L. M. of — [grocer], and N. O. of — [butcher], personally came before me, one of her Majesty's coroners for the county of —, and severally acknowledged themselves to owe to our lady the Queen the several sums following: that is to say, the said A. B. the sum of —, and the said L. M. and N. O. the sum of — each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said lady the Queen, her heirs and successors, if she, or the said A. B., fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at —, before me, J. S.,

Coroner for the county of —.

Condition endorsed.

The condition of the within-written recognisance is such, that whereas a verdict of manslaughter has been found against the said A. B. by a jury empanelled to inquire how and by what means — came by [his] death: if, therefore, the said A. B. shall appear at the next Court of Oyer and Terminer and General Gaol Delivery to be holden in and for the county of —, and there surrender himself into the custody of the keeper of the gaol there, and plead to such inquisition, and take his trial upon the same, and not depart the said court without leave, then the said recognisance shall be void, or else the same shall stand in full force and virtue.

## CAP. XXXIV.

An Act to amend and explain an Act of the Sixth Year of the Reign of King George the Fourth, to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof. [19th April, 1859.]

WHEREAS an Act was passed 6 Geo. 4. c. 129, "to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof;" and whereas different decisions have been given on the construction of the said Act: Be it therefore declared and enacted &c. as follows:

1. *Agreements in certain Cases not to be deemed "Molestation" or "Obstruction," within the meaning of the recited Act.* That no workman or other person, whether actually in employment or not, shall, by reason merely of his entering into an agreement with any workman or workmen, or other person or persons, for the purpose of fixing or endeavouring to fix the rate of wages or remuneration at which they or any of them shall work, or by reason merely of his endeavouring peaceably, and in a reasonable manner, and without threat or intimidation, direct or indirect, to persuade others to cease or abstain from work in order to obtain the rate of wages or the altered hours of labour so fixed or agreed upon or to be agreed upon, shall be deemed or taken to be guilty of "Molestation" or "Obstruction," within the meaning of the said Act, and shall not therefore be subject or liable to any prosecution or indictment for conspiracy: Provided always, that nothing herein contained shall authorize any workman to break or depart from any contract or authorize any attempt to induce any workman to break or depart from any contract.

## CAP. XXXV.

An Act to amend the Law relating to Municipal Elections. [19th April, 1859.]

WHEREAS it is expedient that the law relating to municipal



elections in England and Wales should be amended: Be it enacted &c. as follows:

*Division of Boroughs into Wards.*

1. *The Division of Boroughs into Wards may be altered.*] If two-thirds in number of the council of any borough shall agree to petition, and the council shall thereupon petition her Majesty for the division of such borough into wards, or for the alteration of the number and boundaries of the wards into which any borough is or from time to time shall be divided, it shall be lawful for her Majesty from time to time, if she shall think fit, by advice of her Privy Council, to fix the number of wards into which such boroughs shall be divided; and every borough shall be divided into the number of wards mentioned in the order in Council made on such petition: Provided nevertheless, that notice of every such petition, and of the time when it shall please her Majesty to order that the same be taken into consideration by her Privy Council, shall be published in the London Gazette one month at least before such petition shall be so considered.

2. *Barrister may be appointed to set out Boundaries of Wards.*] The senior judge, or, in case of his absence from the kingdom, the next judge in the commission of assize for the summer circuit next after any such order in Council shall have been made, shall appoint a barrister for the purpose of determining the boundaries of such wards, and apportioning the number of councillors of the borough among such wards as hereinafter mentioned.

3. *Power to set out Boundaries of Wards.*] The provisions of ss. 39, 40, & 42, and so much of s. 43 as remains unrepealed of 5 & 6 Will. 4, c. 76, shall extend to any such division of a borough into wards, or to any such alteration of the number and boundaries of the wards into which any borough is or may be from time to time divided, and the same sections, and also the provisions of s. 10 of 7 Will. 4 & 1 Vict. c. 78, and of s. 10 of 16 & 17 Vict. c. 79, shall apply to every election after such division or alteration; and the barrister so to be appointed as aforesaid shall have all the powers, rights, and privileges mentioned in ss. 39, 40, & 42 of the said 5 & 6 Will. 4, c. 76; and the costs and expenses thereby occasioned shall be paid and discharged, and such barrister shall be remunerated at the rate of five guineas for every day he shall be so employed, over and above his travelling and other expenses, out of the borough fund.

4. *Provision for first Election after Division, &c.*] After the declaration of the first November election of councillors after such division or alteration, all the councillors for the borough so divided, or for the wards so altered, as the case may be, shall go out of office, and their whole powers and duties shall cease; provided nevertheless, that any of the persons so going out of office shall be eligible to be re-elected; and in the first year after such election of councillors for the borough so divided, or for the wards so altered, as the case may be, those who shall go out of office shall be the councillors who were elected by the smallest number of votes at such election, and in the next year those who shall go out of office shall be the councillors who were elected by the next smallest number of votes at such election, the majority of the whole council always determining, where the votes for any such persons shall have been equal, or when there was no poll, who shall be the persons so to go out of office.

*Notice of Election.*

5. *Town Clerk to publish Notice.*] Seven days at least before the day fixed for the election of any councillor or councillors, the town clerk shall prepare, sign, and publish a notice in the form contained in Schedule (B.) to this Act annexed, or to the like effect, by causing the same to be placed on the door of the town-hall, and in some other conspicuous parts of the borough or ward for which any such election is to be held.

*Election of Councillors.*

6. *Nomination of Candidates.*] At any election of councillors to be held for any borough or ward, any person entitled to vote may nominate for the office of councillor himself (if duly qualified), or any other person or persons so qualified (not exceeding the number of persons to be elected for the borough or ward, as the case may be), and every such nomination shall be in writing, and shall state the Christian names and surnames of the persons nominated, with their respective places of abode and descriptions, and shall be signed by the party nominating, and sent to the town clerk at least two whole days (Sunday

excluded) before the day of election; and the town clerk shall, at least one whole day (Sunday excluded) before the said day of election, cause the Christian names and surnames of the persons so nominated, with such statement of their respective places of abode and descriptions, and with the names of the party nominating them, respectively to be printed and placed on the door of the Town-hall, and in some other conspicuous parts of the borough or ward, for which such election is to be held.

7. *Nomination Papers.*] Any nomination paper may be in the form contained in the schedule to this Act annexed or to the like effect; and the town clerk shall provide so many nomination papers as may be required, and, at the request of any person entitled to nominate, shall fill up a nomination paper in due form: Provided nevertheless that such paper shall be signed by the person nominating.

8. *Election of Councillors.*] At any election of councillors to be held for any borough or ward:

1. If the number of persons so nominated shall exceed the number to be elected,

The councillors to be elected shall be elected from the persons so nominated, and from them only:

2. If the number of persons so nominated shall be the same as the number to be elected,

Such persons shall be deemed to be elected; and the mayor or alderman and two assessors, as the case may be, shall publish a list of the names of the persons so elected, not later than eleven of the clock in the morning of the said day of election:

3. If the number of persons so nominated shall be less than the number to be elected,

Such persons shall be deemed to be elected: Such of the retiring councillors highest on the poll at their election, or if the poll were equal, or there were no poll, such as shall be nominated by the mayor, shall be deemed to be re-elected, to make up the number required to be elected: And the mayor or alderman and two assessors, as the case may be, shall publish a list of the names of all the persons so elected respectively, not later than eleven of the clock in the morning of the said day of election:

4. If no persons be so nominated,

The retiring councillors shall be deemed to be re-elected, and the mayor or alderman, and two assessors, as the case may be, shall publish a list of the names of all the persons so elected, not later than eleven of the clock in the morning of the said day of election.

9. *Penalty for Personation of Voters.*] If, pending or after any election of councillors, auditors, or assessors, any person shall personate, or induce any other person to personate any person entitled to vote at such election, or whose name is on the burgess-roll then in force, or falsely assume to act in the name or on behalf of any person so entitled to vote, or wilfully make a false answer to any of the questions mentioned in sect. 18 of this Act, he shall, for every such offence, be liable, on conviction before two justices in petty sessions, to be imprisoned in the common gaol or House of Correction for any period not exceeding three months, with or without hard labour.

10. *Penalty for Forging Nomination or Voting Papers.*] If, before, pending, or after any election of councillors, auditors, or assessors, any person shall wilfully fabricate, in whole or in part, alter, deface, destroy, abstract, or purloin, any nomination or voting paper, after the same shall have been duly filled up, he shall, for every such offence, be liable, on conviction before two justices in petty sessions, to be imprisoned in the common gaol or house of correction, for any period not exceeding three months, with or without hard labour.

11. *Penalty on Persons guilty of Bribery at Elections.*] If any person at any election of mayor, councillors, auditors, or assessors for any borough shall be guilty of bribery, he shall for every such offence forfeit the sum of forty shillings to any person who shall sue for the same in the county court, with full costs of suit; and any person offending in any case in which, under the Act or Acts for the time being in force with respect to the election of members to serve in Parliament for boroughs in England and Wales, the name of the offender may be expunged from the list of voters, being lawfully convicted thereof, shall for the term of six years be disabled to vote in any election in such borough, or in any municipal or parliamentary election whatever, in any part of the United Kingdom, and shall for such term be disabled to hold, exercise, or enjoy any



## 22 & 23 VICTORIA.

### CAP. I.

*An Act to provide for the Authentication of certain Orders of the Privy Council in the absence of the Clerk of the Council in Ordinary.* [21st July, 1859.]

WHEREAS certain orders of her Majesty's Privy Council are by the Acts of Parliament which provide for the issue thereof required to be certified or authenticated under the hand of the clerk in ordinary of the said Council, and delay and inconvenience may arise in the event of such clerk in ordinary being prevented by illness or otherwise from the discharge of his duty: Be it enacted &c. as follows:—

1. *Person authorised to act in the Absence of the Clerk of the Council in Ordinary may sign Orders, &c.* Whenever her Majesty shall, with the advice of her Privy Council, make provision for the performance of the duties of the clerk of the said Council in ordinary in the event of his absence, any person acting under the authority of the order in Council in this behalf shall, in relation as well to the signing, certifying, and issuing of orders of her Majesty in council, or of the lords and others of her Majesty's Privy Council, under any Acts of Parliament as to the other duties of the office, have and perform all the powers and functions, and be in the place of the clerk of the said Council in ordinary.

### CAP. II.

*An Act to apply the Sum of Seven Millions out of the Consolidated Fund to the Service of the year One thousand eight hundred and fifty-nine.* [1st August, 1859.]

### CAP. III.

*An Act to amend and make perpetual "The Public Health Act, 1855."* [1st August, 1859.]

WHEREAS an Act was passed in the session holden in the 21st and 22nd years of her Majesty (chap. 97.) "for vesting in the Privy Council certain Powers for the Protection of the Public Health," which Act was to be in force only until the 1st day of August, 1859, and it is expedient that sect. 8 of the said Act should be repealed, and that, except such section, the said Act should be made perpetual: Be it enacted &c. as follows:—

*Act made perpetual, except sect. 8.]* Sect. 8 of the said Act shall be repealed, and, except the said section, the said Act shall be and the same is hereby made perpetual.

### CAP. IV.

*An Act to amend the Act for the better Administration of Criminal Justice in Middlesex.* [8th August, 1859.]

WHEREAS by an Act 7 & 8 Viet. c. 71, "for the better administration of Criminal Justice in Middlesex," provision is made for the appointment by her Majesty of a person being a sergeant or barrister-at-law of not less than ten years standing and in the commission of the peace for the county of Middlesex, and qualified by law to act as a justice of the peace, to be the assistant judge of the court of the sessions of the peace for the said county, and the yearly salary of £1,200 is to be paid as therein mentioned to such assistant judge out of the Consolidated Fund of the United Kingdom: and whereas the said office of assistant judge lately became vacant by the death of Robert Pashley, Esquire, and it is expedient to make further provision concerning the said office and otherwise to amend the said Act: Be it enacted &c. as follows:—

1. *Power to Justices to grant £300 a-year out of the County Rates as an Addition to the Salary of the Assistant Judge.]* It shall be lawful for the justices of the county of Middlesex, if they so think fit, at any general or quarter session of the peace, to order to be paid out of the county rates of such county to the assistant judge for the time being, the yearly sum of £300, in addition to the salary of £1,200 payable under the said Act, and such yearly sum of £300 shall be paid out of such county rates accordingly on the days on which the said salary of £1,200 is payable out of the Consolidated Fund.

2. *Who in such Case is not to practise as a Barrister.]* In case such yearly sum of £300 be so ordered to be paid, no such assistant judge during his continuance in such office shall practise as a barrister.

3. *In certain Cases Secretary of State may appoint a Person to act temporarily as Assistant Judge.]* During any vacancy in the office of such assistant judge, or when and so often as such assistant judge for the time being shall, by reason of mental or bodily infirmity, or of unavoidable absence, or from other cause, be unable to appoint a deputy pursuant to the said Act, it shall be lawful for one of her Majesty's principal secretaries of state, by writing under his hand, to appoint a person, being a sergeant or barrister-at-law of not less than ten years standing, to act temporarily as or in the place of such assistant judge until such time as an assistant judge shall be appointed under the said Act, or until the assistant judge shall be able to resume his duties, as the case may require, and such person so appointed under this Act shall have and exercise all such powers and privileges as are given by the said Act to such assistant judge, and shall be paid for his services out of the county rates of the said county any sum not exceeding five guineas per day whilst he shall sit and act as assistant judge.

4. *All General Sessions of the Peace for Middlesex to have the Powers of Quarter Sessions.]* Every general session of the peace for the county of Middlesex, and every adjournment thereof, shall have power to try and determine all appeals, and all other powers which do now or shall hereafter belong to the general quarter sessions for the said county: and the said justices may and are hereby authorised to hold such sessions, or adjournment thereof, at the Sessions House at Clerkenwell.

5. *Court may remit Fines on Jurors.]* It shall be lawful for any court of general or quarter session holden in and for the said county of Middlesex to spare or remit, if it shall be thought fit, any fine imposed at a previous session upon any juror for non-attendance or other default.

6. *Sect. 10. of recited Act repealed in part on next Vacancy.]* So soon as the present assistant judge shall cease to hold his office as such judge, the 10th sect. of the said Act shall be repealed so far as relates to the salary of any future assistant judge.

### CAP. V.

*An Act to remove Doubts as to the Qualification of Persons holding Diplomatic Pensions to sit in Parliament.* [8th August, 1859.]

WHEREAS the Act 2 & 3 Will. 4, c. 116, regulates the conditions on which pensions shall be granted to persons who have served her Majesty in diplomatic offices: And whereas doubts have arisen as to whether such pensions, being those of reward of diplomatic service authorised by Parliament, come within the provisions of the 6 Anne, cap. 7, which renders any person holding a pension from the Crown during pleasure incapable of being elected or of sitting or voting as a member of the House of Commons: Be it hereby enacted &c. as follows:—

1. *Persons holding Diplomatic Pensions may sit in House of Commons.]* That pensions granted for diplomatic services according to the provisions of the aforesaid Act of 2 & 3 Will. 4, shall not disqualify the holder from being elected or sitting or voting as a member of the House of Commons.

2. *2 & 3 Will. 4, c. 116, not to be affected by this Act.]* Nothing contained in this Act shall affect any of the provisions of the aforesaid Act of 2 & 3 Will. 4, for the regulation of diplomatic pensions.

### CAP. VI.

*An Act to enable Sergeants, Barristers-at-Law, Attorneys, and Solicitors, to practise in the High Court of Admiralty.* [8th August, 1859.]

BE it enacted &c. as follows:

1. *Sergeants, Barristers, Attorneys, and Solicitors to be at liberty to practise in the High Court of Admiralty.]* All sergeants and barristers-at-law, and all attorneys at law, and solicitors,



shall, from and after the passing of this Act, be entitled to practise as serjeants, barristers, attorneys, and solicitors respectively in all matters and causes whatsoever in her Majesty's High Court of Admiralty; and the said serjeants and barristers-at-law shall and may have and exercise the same rights and privileges of practising, pleading and audience in the said High Court of Admiralty as advocates now have and enjoy in the said Court, and the said attorney and solicitors shall and may have and exercise the same rights and privileges of practising in the said High Court of Admiralty as proctors now have and enjoy in the said court; and all persons who at the time of the passing of this Act shall have been admitted advocates in any of the Ecclesiastical Courts or in the said High Court of Admiralty, and the said serjeants and barristers-at-law, shall have respectively the same rank and precedence in the said High Court of Admiralty which they now have before the Judicial Committee of the Privy Council, unless and until her Majesty shall otherwise order: Provided always, that all attorneys-at-law and solicitors practising in the said Court of Admiralty shall be subject to the authority of the judge of the said court, in like manner as attorneys in the Court of Queen's Bench are subject to the authority of that Court.

## CAP. VII.

*An Act to amend an Act of the Seventeenth and Eighteenth Years of her Majesty, for allowing Verdicts on Trials by Jury in Civil Causes in Scotland to be received, although the Jury may not be unanimous.* [8th August, 1859.]

WHEREAS by 17 & 18 Vict. c. 59, intituled "An Act to allow Verdicts on Trials by Jury in Civil Causes in Scotland to be returned, although the Jury may not be unanimous," it was enacted, that if upon the trial by jury of any civil cause in the Court of Session in Scotland the jury are unable to agree upon a verdict, and if after having been kept in deliberation for a period of six hours, nine of the said jury shall agree, the verdict agreed to by such nine may be returned as the verdict of such jury, and shall be taken and shall have the same force and effect as if found unanimously by the whole of the said jury: And whereas it is expedient that the said Act be amended: Be it therefore enacted &c. as follows:—

1. *If after Three Hours' Deliberation Nine of the Jury agree, a Verdict may be returned.* [If after having been kept in deliberation for three hours, nine or more of the jury on any such trial as in the said recited Act mentioned shall agree upon a verdict, the verdict agreed to by such nine or more may then be returned, and shall be taken as the verdict of the jury in like manner and to the like effect as is provided by the said recited Act in regard to the verdicts thereby allowed to be returned after the jury have been kept in deliberation for a period of six hours.]

2. *Jury may be discharged without a Verdict after Six Hours' Deliberation.* [When in any such trial nine of the jury shall not have agreed on a verdict after such jury has been kept in deliberation for six hours, it shall be lawful for the Court or judge to discharge such jury without their having given in a verdict, in like manner as a jury might, prior to the passing of this Act, have been discharged without giving in a verdict after having been kept in deliberation for a period of twelve hours.]

## CAP. VIII.

*An Act to amend the Act of the Twentieth and Twenty-first Years of Victoria, Chapter Forty-five, relating to the Survey of Boundaries in Ireland.* [8th August, 1859.]

WHEREAS 20 & 21 Vict. c. 45, "An Act to make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for Public purposes:" And whereas it is expedient to amend the same: Be it therefore enacted &c. as follows:—

1. *Boundary Surveyor may alter Name of Lands erroneously named in Ordinance Map on Application of Owners and Proof of Error.* [The provisions contained in the said recited Act for enabling the boundary surveyor for the time being, when he shall find that the boundaries of any land have been erroneously marked out, laid down, or described on the ordinance map of any county, to make such alteration therein as the circumstances of the case shall require, shall extend and apply to enable such boundary surveyor in any case where any lands have not been correctly named on such ordinance map, as far as the same can be shown by any ancient deed, instrument, document, or writing, to make such alteration therein as the circumstances of the case shall require; provided that application be made to him for such alteration by the owner or owners,

or reputed owner or owners of such land, stating therein the grounds on which such application is made, and the name of the lands which it is proposed by such owner or owners to substitute for the name of such lands so entered on such ordinance map.]

2. *Boundary Surveyor may define Boundaries of Parishes divided under 7 & 8 Geo. 4, c. 43, 3 & 4 Will. 4, c. 37, and 11 & 12 Vict. c. 41.* [Such boundary surveyor may define and mark out the boundaries of any parish which shall have been divided under the provisions of an Act passed in the 7 & 8 Geo. 4, c. 43, or of an Act passed in the 3 & 4 Will. 4, c. 37, or of an Act passed in the 11 & 12 Vict. c. 41, and of any adjoining parish to which any lands separated from such first-mentioned parish shall have been united.]

3. *Recited Act and this Act to be one Act, and be subject to 17 Vict. c. 17.* [The said recited Act and this Act shall be read together as one Act, and all such alterations of boundaries or names of land hereby authorised to be made, shall be subject to the provisions of an Act passed in the 17 Vict. c. 17, with respect to the order or orders of the Lord-Lieutenant and Privy Council.]

4. *The publication in Dublin Gazette of the detailed Report of Boundary Surveyor to be discontinued. Copy of Order in Council, &c., to be transmitted to Clerk of Peace and exhibited.* [And whereas the publication in the Dublin Gazette of the detailed report of the boundary surveyor, referred to in the order of the Lord-Lieutenant in council, is unnecessary and expensive: Be it enacted that it shall be sufficient for the purposes of this Act and the several Acts hereinbefore-mentioned that the order only of the Lord-Lieutenant in council, made in respect of the detailed report and ordinance plans submitted by the boundary surveyor, shall be published in the Dublin Gazette, but every such order in council shall contain a clause that the said order, and the report in detail and the ordinance plans submitted by the boundary surveyor, shall remain on record in the Council Office, and shall be exhibited to any person or persons who may desire to inspect the same, without fee or reward; and a copy of the said order in council, with copies of the report and ordinance plans certified under the hand of the clerk of the Council, shall be transmitted to the clerk of the peace for each county to which such order shall in any way relate, to be by him kept and preserved in his office, and exhibited at all reasonable hours to any person or persons who may desire to inspect the same, without fee or reward.]

5. *Act to extend to Ireland only.* [This Act shall extend to Ireland only.]

## CAP. IX.

*An Act to provide for the Exercise of the Duties of Chief Superintendent in China in certain Cases.* [8th August, 1859.]

## CAP. X.

*An Act to empower the Legislature of Canada to make Laws regulating the Appointment of a Speaker of the Legislative Council.* [8th August, 1859.]

## CAP. XI.

*An Act to confirm certain Provisional Orders under the Local Government Act (1858).* [8th August, 1859.]

## CAP. XII.

*An Act to repeal, as regards the Colony of Victoria, and to enable other Colonial Legislatures to repeal, certain Provisions of the Imperial Acts of the Fifty-fourth Year of George the Third, Chapter Fifteen, and of the Fifth and Sixth Years of William the Fourth, Chapter Sixty-two.* [8th August, 1859.]

## CAP. XIII.

*An Act to enable her Majesty to confirm an Act passed by the Legislature of Antigua, intituled "An Act to extend the Operation of the Laws of Antigua to the Island of Barbuda."* [8th August, 1859.]

## CAP. XIV.

*An Act to amend an Act of the Thirty-ninth and Fortieth Years of George the Third, for better regulating the Business of Pawnbrokers.* [8th August, 1859.]

WHEREAS certain provisions relating to Informations, penalties, and convictions, are contained in certain sections, hereinafter more particularly referred to, of 2 & 3 Vict. c. 71, intituled "An Act for regulating the Police Courts in the Metropolis;" but such provisions are restricted in their operation to the metropolitan police districts: And whereas 39 & 40 Geo. 3, c. 99, intituled "An Act for better regulating the Business of

Pawnbrokers." And whereas it is expedient to extend certain of the provisions of the first-recited Act to the second-recited Act: Be it therefore enacted &c. as follows:—

*Provisions contained in sects. 32, 33, 34, & 35, of 2 & 3 Vict. c. 71, extended to 39 & 40 Geo. 3, c. 99, and to all parts of England.* The provisions and enactments contained in the 32nd, 33rd, 34th, and 35th sections of the said recited Act of the 2 & 3 Vict. c. 71, for regulating the police courts in the metropolis, shall extend and be construed, deemed, and taken to extend to the said Act of the 39 & 40 Geo. 3, and to all parts of England, in the same manner and to the same extent, and to all intents and purposes, as if the said provisions and enactments were herein repeated and set forth at length: Provided, that whenever the word "magistrate" is used in the said sections, or any of them, it shall be construed, deemed, and taken, for the purposes of this Act, to mean any stipendiary magistrate or other justice or justices of the peace for the district, county, riding, division, city, liberty, town, or place where the offence has been committed.

## CAP. XV.

*An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.* [8th August, 1859.]

WHEREAS it is expedient to suspend for a further period the ballots for the militia of the United Kingdom: Be it therefore enacted &c. as follows:—

1. *Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.* All general and subdivision meetings relating to the militia of the United Kingdom, and all proceedings relating to procuring any returns, or preparing or making out lists of such militia, or any part thereof, for the purpose of a ballot, or relating to balloting for any militiamen, or supplying any vacancies in such militia by ballot, as are or may be directed or authorised by or under any Act of Parliament now in force, shall cease and remain suspended until the 1st of October, 1860.

2. *Proceedings may be had during such Suspension by Order in Council.* Provided always, that it shall be lawful for her Majesty, by any order in council, to direct that any proceedings shall be had at any time before the expiration of such period as aforesaid, either for the giving of notices and making returns and preparing lists, and also for the proceeding to ballot and enrol men for the filling up vacancies in the militia, as her Majesty shall deem expedient; and upon the issuing of any such order all such proceedings shall be had for carrying into execution all the provisions of the Acts in force in the United Kingdom relating to the giving notices for and returns for lists, and for the balloting and enrolling of men to supply any vacancies in the militia, and holding general and subdivision meetings for such purpose, at such times respectively as shall be expressed in any such order in council, or by any directions given in pursuance thereof to lord lieutenants, or deputy lieutenants acting for lord lieutenants, of the several counties, shires, cities, and places in the United Kingdom; and all the provisions of the several Acts in force in the United Kingdom relating to the militia shall, upon any such order, and direction given in pursuance thereof, become and be in full force and be carried into execution at the period specified in such order or direction as aforesaid, with all such penalties and forfeitures for any neglect thereof, as fully as if such periods had been fixed in the Acts relating to such militia.

3. *Not to extend to prevent the holding of certain Meetings relating to the Militia.* Provided also, that nothing herein contained shall extend to prevent the holding before the expiration of such period as aforesaid of such general or other meetings relating to the militia of the United Kingdom as may be called in Great Britain under the authority of one of her Majesty's principal secretaries of state, or in Ireland under the authority of the lord lieutenant or other chief governor or governors of Ireland, or of any meeting which may be called for the purpose of altering, enlarging, or providing any place for the reception of the arms, accoutrements, clothing, or other stores belonging to the militia.

## CAP. XVI.

*An Act to enable the Commissioners of her Majesty's Works to acquire a Site for the Purposes of her Majesty's Court of Probate, and other Courts and Offices.* [8th August, 1859.]

## CAP. XVII.

*An Act to prevent Vexatious Indictments for certain Misdemeanours.* [8th August, 1859.]

BE it enacted &c. as follows:—

1. *No Indictment for Offences herein-named to be preferred*

*without previous Authorisation.* After the 1st day of September, 1859, no Bill of Indictment for any of the offences following; viz.,

Perjury,  
Subornation of perjury,  
Conspiracy,  
Obtaining money or other property by false pretences,  
Keeping a gambling house,  
Keeping a disorderly house, and  
Any indecent assault,

shall be presented to or found by any grand jury, unless the prosecutor or other person presenting such indictment has been bound by recognisance to prosecute or give evidence against the person accused of such offence, or unless the person accused has been committed to or detained in custody, or has been bound by recognisance to appear to answer to an indictment to be preferred against him for such offence, or unless such indictment for such offence, if charged to have been committed in England, be preferred by the direction or with the consent in writing of a judge of one of the superior courts of law at Westminster, or of her Majesty's Attorney-General or Solicitor-General for England, or unless such indictment for such offence, if charged to have been committed in Ireland, be preferred by the direction or with the consent in writing of a judge of one of the superior courts of law in Dublin, or of her Majesty's Attorney-General or Solicitor-General for Ireland, or (in the case of an indictment for perjury) by the direction of any Court, judge, or public functionary authorised by 14 & 15 Vict. c. 100, to direct a prosecution for perjury.

2. *In certain Cases where Prosecutor desires to prefer an Indictment Justice to take his Recognisance to prosecute.* That where any charge or complaint shall be made before any one or more of her Majesty's justices of the peace that any person has committed any of the offences aforesaid within the jurisdiction of such justice, and such justice shall refuse to commit or to bail the person charged with such offence to be tried for the same, then in case the prosecutor shall desire to prefer an indictment respecting the said offence, it shall be lawful for the said justice and he is hereby required to take the recognisance of such prosecutor to prosecute the said charge or complaint, and to transmit such recognisance, information, and depositions, if any, to the court in which such indictment ought to be preferred, in the same manner as such justice would have done in case he had committed the person charged to be tried for such offence.

3. *Act not to extend to Scotland.* This Act shall not extend to Scotland.

## CAP. XVIII.

*An Act for granting to her Majesty additional Rates of Income Tax; and to reduce the Period of Credit allowed for payment of the Ecclesiastical Duty on Malt.* [13th August, 1859.]

BE it enacted &c. as follows:—

1. *Additional Rates of Income Tax granted on Assessments made on the Amount of annual Profits.* In addition to the rates and duties granted and now chargeable under the Act passed in the 16 & 17 Vict. c. 34, for granting to her Majesty duties on profits arising from property, professions, trades, and offices, there shall be charged, collected, and paid, for and in respect of all property, profits, and gains charged or chargeable under the said Act, either by assessment, contract of composition, or otherwise, the following additional rates and duties; that is to say, upon any assessment made on the annual value or amount of any property, profits, or gains (except property, profits, and gains chargeable under schedule (B.) of the said Act), the additional rate or duty of fourpence for every twenty shillings of the annual value or amount of all such property, profits, and gains respectively; and for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under schedule (B.) of the said Act, the additional rate or duty of twopence in England, and of one penny halfpenny in Scotland and Ireland respectively, for every twenty shillings of the annual value thereof; and such additional rates and duties respectively shall be collected and paid with and over and above the first moiety of the duties assessed or charged under the said Act.

2. *Additional Rates of Duty to be charged on half-yearly and quarterly Assessments.* Provided always, that where any dividends, interest, or other profits or gains becoming due or payable half-yearly are assessed or charged half-yearly with the rate or duty under the said Act, there shall be charged upon the first assessment or charge which shall be hereafter made on such dividends, interest, profits,

and gains, the additional rate or duty of eightpence for every twenty shillings of the half-yearly amount thereof; and where any profits or gains becoming due or payable quarterly are assessed or charged quarterly with the rate or duty under the said Act, there shall be charged upon the first two quarterly assessments or charges respectively which shall be hereafter made on such last mentioned profits and gains the additional rate or duty of eightpence for every twenty shillings of the quarterly amount of such last-mentioned profits and gains; and the said additional rates and duties charged in such half-yearly and quarterly assessments respectively shall be collected and paid with and over and above the rates and duties assessed or charged therein respectively under the said Act.

3. *Relief to Persons whose Incomes are under £150 a Year.* Provided always, that every person who shall claim, and prove in the manner prescribed by the Acts now in force relating to the Income Tax, that his total annual income from every source, although amounting to £100 or upwards, is less than £150 pounds a year, shall be entitled to be relieved from so much of the said additional rates and duties assessed upon or paid by him under this Act as shall exceed the rate of one penny halfpenny for every twenty shillings of his annual profits or gains, and such relief shall be given in the manner directed by the said Acts.

4. *Provisions of former Acts to be applied.* The additional rates and duties by this Act granted shall be charged, raised, levied, and collected under the regulations and provisions of the said Act of Parliament herein-before mentioned and of the several Acts therein referred to, and also of any Act or Acts subsequently passed, explaining, amending, or continuing the said first-mentioned Act; and all powers, authorities, rules, regulations, penalties, clauses, matters, and things contained in or enacted by the said several Acts, and in force with respect to the rates and duties granted by the said first-mentioned Act, shall (so far as the same are or may be applicable consistently with the express provisions of this Act) respectively be duly observed, applied, and put in execution, *mutatis mutandis*, for charging, levying, collecting, receiving, accounting for, and securing the said rates and duties hereby granted, and otherwise relating thereto.

5. *Deduction to be made on Payment of Interest, &c.* The additional rates and duties by this Act granted and imposed shall be deemed to be charged in respect of the half year ending on the 10th day of October, 1859; and every person liable to the payment of rent or any yearly interest of money, or any annuity or other annual payment, either as a charge on any property or as a personal debt or obligation, whether the same shall be received or payable half-yearly or at any shorter or more distant period, shall be entitled, and is hereby authorised, on making such payment in respect of so much thereof as has accrued or shall have accrued for or during any period of the said half year, to deduct and retain thereout (over and above any other deduction to which he may be entitled under any other Act) the additional rate of duty by this Act granted and imposed, that is to say, at the rate of eightpence for every twenty shillings of such payment, and where he has made or shall have made any such payment without making such deduction as aforesaid he shall be entitled to recover and receive the amount thereof from the person to whom such payment shall have been made.

6. *Provision for Allowance of Duty to Persons in respect of deferred Annuities extended to those contracted for with National Debt Commissioners.* And whereas by the 54th section of the said Act of the 16th & 17th Vict. c. 34, provision is made for deduction, abatement, allowance, or repayment of duty in favour of any person who should have contracted for any deferred annuity on his own life or on the life of his wife in or with any such insurance office as in the said Act is mentioned: The benefit and advantage of such provision shall be and is hereby extended and granted to any person who has or shall have contracted for any such deferred annuity as aforesaid with the Commissioners for the Reduction of the National Debt.

7. *Reduction of the Period of Credit allowed for Payment of Excise Duty on Malt.* And in respect of all malt begun to be made on or after the 1st day of October, 1859, the time limited for payment of the duty of excise on malt by every maltster or maker of malt who shall have given security by bond in the manner directed by the Act passed in that behalf shall be twelve weeks, in lieu of eighteen weeks after the making of such account or return, as in the said Act is mentioned; and no person shall be entitled to any credit for payment of the duty of excise on malt unless

he shall give such security as aforesaid, by bond conditioned for payment of the said duty within the period limited by this Act; and every such bond shall be taken in such sum as the commissioners of inland revenue, or the persons appointed by them for that purpose, shall deem to be sufficient in that behalf.

8. *Discount to be allowed to Maltsters in consideration of the Reduction of Credit.* And in consideration of the reduction in manner aforesaid of the period of credit allowed by law for payment of the duty of excise on malt, the commissioners of inland revenue shall allow to every such maltster or maker of malt who shall have given such security as aforesaid a rebate or discount after the rate of four per cent. per annum for the period of six weeks upon the amount of charge upon such maltster or maker of malt in respect of all malt made by him on or after the 1st day of October, 1859, and before the 1st day of April, 1860, provided he shall duly pay the amount of such charge within the time appointed by the law and usage of excise in that behalf.

#### CAP. XIX.

*An Act to repeal Part of an Act passed in the Thirteenth Year of Elizabeth, Chapter Twenty-nine, concerning the several Incorporations of the Universities of Oxford and Cambridge, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them.* [13th August, 1859.]

WHEREAS in and by an Act, 13 Eliz., intitled "An Act concerning the several Incorporations of the Universities of Oxford and Cambridge, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them," it is amongst other things enacted, that the letters patent of the Queen's Highness's father, King Henry VIII., made and granted to the chancellor and scholars of the said University of Oxford, bearing date the 1st day of April, in the 14th year of his reign, and the letters patents of the Queen's Majesty that then was made and granted unto the chancellor, masters, and scholars of the University of Cambridge, bearing date the 26th day of April, in the 3rd year of her Highness's most gracious reign, and also all other letters patents by any of the progenitors or predecessors of our said Sovereign Lady made to either of the said incorporated bodies, severally, or to any of their predecessors of either of the said universities, by whatsoever name or names the said chancellor, masters, and scholars, of either of the said universities, in any of the said letters patents had been theretofore named, should from thenceforth be good, effectual, and available in the law to all intents, constructions, and purposes to the foresaid then chancellor, masters, and scholars of either of the said universities, and to their successors for evermore, after and according to the form, words, sentences, and true meaning of every of the same letters patents, as amply, fully, and largely as if the same letters patents had been recited verbatim in that present Act of Parliament, anything to the contrary in anywise notwithstanding; and it was further enacted, that all manner of instruments, indentures, obligations, writings obligatory, and recognisances made or acknowledged by any person or persons or body corporate to either of the said incorporated bodies of either of the said universities, by what name or names soever the said chancellor, masters, and scholars of either of the said universities had been theretofore called in any of the said instruments, indentures, obligations, writings obligatory, or recognisances, should be from thenceforth available, stand and continue of good, perfect, and full force and strength to the then chancellor, masters, and scholars of either of the said universities, and to their successors, to all intents, constructions, and purposes, although they or their predecessors, or any of them, in any of the said instruments, indentures, obligations, writings obligatory, or recognisances were named by any name contrary or diverse to the name of the then chancellor, masters, and scholars of either of the said universities; and it was also enacted, that as well the said letters patents of the Queen's Highness's said father, King Henry VIII., bearing date as was before expressed made and granted to the said incorporated body of the said University of Oxford, as the letters patents of the Queen's Majesty aforesaid granted to the chancellor, masters, and scholars of the University of Cambridge, bearing date as aforesaid, and all other letters patents by any of the progenitors or predecessors of her Highness and all manner of liberties, franchises, immunities, quietances, and privileges, leases, law days, and other things whatsoever therein expressed, given, or granted to the said chancellor, masters, and scholars of either of the said universities, or to any of their predecessors of either of the said universities, by whatsoever name the said chancellor, masters, and scholars, of either of the said universities in any



of the said letters patents be named, were and by virtue of that present Act should be from thenceforth ratified, established, and confirmed unto the said chancellor, masters, and scholars of either of the said universities, and to their successors for ever, any statute, law, usage, custom, construction, or other thing to the contrary in anywise notwithstanding: Provided always, and it was enacted, that the said Act or anything therein contained should not extend to the prejudice or hurt of the liberties and privileges of right belonging to the mayors, bailiffs, and burgesses of the town of Cambridge and city of Oxford, but that they the said mayors, bailiffs, and burgesses, and every of them, and their successors, should be and continue free, in such sort and degree, and enjoy such liberties, freedoms, and immunities, as they or any of them lawfully might have done before the making of that present Act, anything contained in the said Act to the contrary notwithstanding; and whereas by letters patent, dated the 29th day of May, in the 32nd year of the reign of his late Majesty King Henry III., the said king did grant to the scholars of the University of Oxford, amongst other things, that so often and whensoever the mayor and bailiffs of Oxford should take the oath of their fealty in their common place, the commonalty of the same town should inform the chancellor, in order that, if he wished, by himself or by some chosen persons, he might be present at the taking of the aforesaid oath, which oath indeed as to the aforesaid scholars should be of this sort, that is to say, that the mayor and bailiffs themselves should keep the liberties and customs of the aforesaid university, otherwise their oath should be of no avail, but should be taken again according to the prescribed form; but if the chancellor should not wish to be present, either by himself or by a proctor, the oath should nevertheless be taken: And whereas provisions in relation to the observance of the same oath, or an altered oath in lieu thereof, have been made by subsequent letters patent, granted by kings and queens of this realm to the chancellor, masters, and scholars of the University of Oxford, and also by orders of the Privy Council made in the reigns of Queen Elizabeth, King James I., and King Charles II.: And whereas by the statutes of the University of Oxford, which the chancellor and vice-chancellor of the university have taken their respective oaths to observe and perform, it is enjoined on each of them that they do exact the said annual oath of the mayor and burgesses of Oxford: And whereas the mayor, aldermen, and citizens of the city of Oxford desire to be relieved from the obligation of taking any such oath, and the chancellor, masters, and scholars of the University of Oxford are willing that the said mayor, aldermen, and citizens should be so relieved, but they are advised that such relief can only be granted by the authority of Parliament: Be it therefore enacted &c. as follows:—

1. *Repeal of Duty to take Oath.* So much of the here-in-before recited Act of Parliament, and of all charters, letters patent, orders in council, obligations, deeds, or instruments, as imposes upon the said mayor, aldermen, and citizens, or any of them, or any municipal officer of the city of Oxford, the obligation of taking any oath for the conservation of the liberties and privileges of the University of Oxford, or any such oath as is hereinbefore referred to, shall be and the same is hereby repealed and annulled and made void.

2. *Prohibition of any Requisition to Mayor, &c., to take Oath.* The mayor, aldermen, and citizens of Oxford shall not hereafter, nor shall any of them, nor shall any municipal officer of the city of Oxford, be required to take any oath or to make any declaration for the conservation of the liberties and privileges of the University of Oxford: Provided always, that, notwithstanding anything herein contained, the mayor, aldermen, and citizens of Oxford, and all officers of the same city shall observe and keep all manner of lawful liberties and customs which the chancellor, masters, and scholars of the said university have reasonably used, without any gainsaying; saving, nevertheless, the fidelity of the said mayor, aldermen, citizens, and officers to the Queen's Majesty, and saving also the liberties and privileges of right belonging to the said mayor, aldermen, and citizens, and to the officers of the said city.

## CAP. XX.

An Act to amend and consolidate the Laws relating to Military Savings Banks. [13th August, 1850.]

WHEREAS 5 & 6 Vict. c. 71, was passed "to establish Military Savings Banks," and 8 & 9 Vict. c. 27, was passed to amend the first-mentioned Act, and 12 & 13, Vict. c. 71, was passed "to dissolve Regimental Benefit Societies, and to provide for the Application of the Funds of such Societies and of Regimental Charitable Funds:" And whereas it is expedient to amend and

consolidate the said Acts, and to confirm or render valid all Acts that may have been done under the authority of the Secretary-at-War, or her Majesty's Principal Secretary of State for the War Department, in relation to the Military or Regimental Savings Banks already established, and the Deposits therein, and the Payments of Principal and Interest in respect of such deposits: Be it therefore enacted &c. as follows:—

1. *Recited Acts repealed. Acts done confirmed.* The said Acts shall be repealed, save as herein otherwise provided; provided always, that such repeal shall not affect any deposit made or other act done under the authority of the said Acts, or any of them, before such repeal takes effect; and all acts done under the authority of any rules made in manner provided by s. 3 of the firstly herein-before mentioned Act, or under the authority of the Secretary-at-War, before such repeal takes effect, in relation to the deposits made in military or regimental savings banks theretofore established, and all payments of principal and interest made in respect of such deposits, shall be and be deemed to have been legal and valid.

2. *Military Savings Banks may be established.* It shall be lawful for her Majesty, in manner hereinafter mentioned, to establish, or continue military or regimental savings banks, for the purpose of receiving sums of money from such of the non-commissioned officers and soldiers employed in her Majesty's service, either in the United Kingdom or upon foreign stations (India alone excepted), as may be desirous of depositing the same, and for receiving deposits of any moneys or funds whatsoever raised or paid for objects or purposes connected with non-commissioned officers and soldiers, which her Majesty may, from time to time, think fit to authorise to be deposited in the said savings banks.

3. *Regulations for Savings Banks, how to be made.* Regulations for the savings banks so to be established or continued, shall, from time to time, be made by the Secretary-at-War, with the concurrence of the General commanding in chief, and of the Commissioners of her Majesty's Treasury; and such regulations, when sanctioned by her Majesty, shall be signed by the Secretary-at-War, and laid before both Houses of Parliament; and a copy of such regulations shall be deposited in the orderly-room of every regiment to which they apply; and such regulations shall be binding upon all officers concerned, and upon the several depositors in the said savings banks, and upon their representatives.

4. *What to be provided for by the Regulations.* Such regulations shall or may (as the case may require) make provision in relation to the following matters; (that is to say,)

Shall regulate and determine the rate of interest to be paid to depositors, not exceeding the yearly rate of three pounds fifteen shillings for every one hundred pounds, and what (if any) fractional parts of a pound or sums less than a pound shall bear interest, and what length of time deposits must remain in order to bear interest, and at what times interest shall be added to principal so as to become principal, in like manner as if the same had been paid to the depositor and been again deposited, and what deposits may be received upon which interest shall not be payable;

May determine in what cases or under what circumstances deposits and the interest (if any) thereon shall be forfeited to the public;

May make provision for and concerning the retention or deposit in the military or regimental savings banks of the effects of deceased non-commissioned officers or soldiers, or the money arising therefrom, at interest or without interest, and for the payment or application thereof and of the interest thereon to or for the benefit of the orphans of such non-commissioned officers or soldiers or other persons entitled to the same;

May make provision for and concerning the deposit of funds created for charitable regimental purposes by subscriptions of officers, unexpended balances of canteen funds, or otherwise, and of any funds or moneys created, raised, or paid in any manner whatsoever for objects or purposes connected with non-commissioned officers or soldiers, and concerning the manner in which such funds or moneys, and the interest thereon, shall be paid, applied, or distributed;

May make it obligatory on commanding officers of regiments and others to deposit such funds or moneys in the said savings banks, and to account to the Secretary-at-War or otherwise for the same, and the due application thereof;

May make provision for the withdrawal from the said sav-

ings banks for the purpose of transfer to India of any money whatsoever deposited in the said savings banks, and the accumulations of interest thereon, upon the occasion of regiments proceeding to India;

And shall provide for the keeping of proper accounts, and generally for all such matters in relation to the said savings banks and deposits therein as may be thought proper;

And such regulations shall be made as well with reference to deposits already made in the savings banks established under the firstly herein-before mentioned Act and charitable regimental funds already paid into the bank of England under the thirdly herein-before mentioned Act as to deposits to be made under this Act:

Provided always, that deposits by any individual depositor in any one year (ending on such day as may be in the regulations mentioned), exceeding thirty pounds in the whole (exclusive of interest added), shall not bear interest until after the end of such year, except only in the case of deposits of gratuities awarded for good conduct or otherwise, and that while the sums standing in the name of any individual depositor (inclusive of interest, if any), amount to or exceed two hundred pounds, no interest shall accrue on any sum in excess of that amount standing in his name; but this proviso shall not apply to or in the case of money retained or deposited in a military or regimental savings bank after the death of a non-commissioned officer or soldier, for the benefit of his orphans or other persons entitled to his effects, or to or in the case of funds or moneys created, raised, or paid for charitable regimental purposes, or for such objects or purposes as herein-before mentioned.

5. *Receipts of Infants and Married Women.* The receipt of any infant for any money deposited in any such savings bank, or for any interest thereon, shall be a sufficient discharge, notwithstanding his incapacity or disability in law to act for himself; and any payment in respect of any deposit or interest thereon which may be made to any married woman, under any regulations made under this Act, shall be deemed a valid payment, and her receipt shall be a sufficient discharge.

6. *Deposits to be applied to Public Expenditure, and Payments made out of Grants for ordinary Services.* The moneys deposited in military or regimental savings banks shall be applied under the said regulations by the officers or persons authorised to receive the same to the payment of such ordinary army services as it may be their duty to defray, and all sums from time to time payable to depositors or otherwise under the said regulations for principal and interest in respect of moneys so deposited under the said Acts, or any of them, or this Act, or paid into the Bank of England under the thirdly hereinbefore-mentioned Acts, shall be paid out of the grants by Parliament for ordinary army services.

7. *Secretary at War to direct certain Moneys to be paid to the Account of the Commissioners for the Reduction of the National Debt, and carried to the Account of the Military Savings Banks.* It shall be lawful for the Secretary at War from time to time to authorise, by his warrant, payment out of the moneys granted for army services, and placed to the account of the Paymaster-General at the Bank of England, of the amount of the money received and applied for the public service under this Act, together with the interest allowed thereon, to the separate account raised under the secondly hereinbefore-mentioned Act in the names of the Commissioners for the Reduction of the National Debt in the books of the Governor and Company of the Bank of England, and denominated "The Fund for the Military Savings Banks," and to authorise in like manner payment as aforesaid to such last-mentioned account of the amount of the money so received, and applied under the Acts hereby repealed, or any of them, with interest, as aforesaid, so far as such payment may not have been already authorised under such Acts, or any of them; and in ascertaining the amount of which payment is to be so authorised deduction or allowance shall be made in respect of payments previously made to depositors or otherwise in respect of deposits; and the cashier of the Bank of England is hereby required to pay or transfer the amount mentioned in every such warrant from the account of the Paymaster-General to such separate account accordingly: Provided always, that previous to any payment or transfer being made as aforesaid to such separate account, the person applying for that purpose shall in all cases produce to the officer of the last-mentioned commissioners, at their office in London, a warrant from the Secretary-at-War, stating that the money mentioned therein is part of the funds of the military savings banks.

8. *Investment of such Moneys.* The Commissioners for the Reduction of the National Debt shall cause all the moneys placed to their account, in pursuance of this Act, or which may have been placed to their account under the Acts hereby repealed or any of them, and may not have been invested before the repeal of such Acts takes effect, to be invested from time to time, under such regulations as such commissioners may direct, in the purchase of any bank annuities in their names, and to be carried to the account raised in their names under the secondly hereinbefore-mentioned Act; and the interest or dividends to arise from time to time and become due on any bank annuities purchased under this Act or the Acts hereby repealed, or any of them, shall in like manner be invested in the purchase of bank annuities; and such interest or dividends shall not be subject or liable to any taxes, charges, or impositions whatever.

9. *Secretary-at-War may direct Moneys invested in Annuities to be transferred to Account of Paymaster-General.* It shall and may be lawful for the Secretary-at-War, by his warrant, to require that, within fourteen days from the day on which the same is lodged at the office of the Commissioners for the Reduction of the National Debt, the whole or any part of the Bank Annuities standing in the books of the Bank of England in the names of such commissioners and to the account aforesaid shall be sold, and the produce thereof paid to the account of the Paymaster-General at the Bank of England.

10. *Commissioners for Reduction of National Debt empowered to sell.* It shall and may be lawful for such commissioners, on the requisition aforesaid of the Secretary-at-War, to sell from time to time any part of the said Bank Annuities which may be standing in their names in the books of the Bank of England, in pursuance of the Acts hereby repealed, or any of them, or this Act, and the certificate of the cashier of the Bank of England of the money having been placed to the account of the Paymaster-General, shall be a full and sufficient discharge to such commissioners.

11. *Provisions as to Money arising from a dissolved Benefit Society.* And whereas by the said Act of the 12 & 13 Vict., provision was made for an equitable distribution of the funds of certain regimental benefit societies thereby determined, and for placing the sum to which each existing subscriber might be declared entitled in the savings bank, established under the firstly hereinbefore-mentioned Act in the regiment to which he belonged, to accumulate for him until his discharge; and it was by the Act now in recital enacted, that upon its being proved to the satisfaction of the Secretary-at-War, upon the recommendation of the commanding officer of the regiment, that it would be of advantage to a soldier to withdraw his portion of the said fund, including any accumulations thereon from the regimental savings bank before his discharge, it should be lawful for the Secretary-at-War to sanction such withdrawal, and such portion might be withdrawn accordingly.

The repeal of the said Act of the 12 & 13 Vict. shall not affect the said provisions concerning the sums so placed as aforesaid in any savings bank.

12. *Officers of Savings Banks not personally liable, except for their own Acts.* No person having any control in the management of any savings bank established or continued under this Act shall be personally liable, except for his own acts, nor shall any such person be personally liable for anything done by him in virtue of his office in the execution of this Act, except in cases where he is guilty of wilful neglect or default.

13. *Accounts to be laid before Parliament.* An account of the amount of all sums deposited under the Acts hereby repealed, or any of them, or this Act, within the year ended on the 31st day of March preceding, and of the amount of all sums withdrawn during the same period, and of the interest allowed upon such deposits, and also of the number of accounts open on the said 31st day of March, with such other particulars as her Majesty may be pleased from time to time to order, shall be annually prepared by the Secretary-at-War, and rendered to the commissioners of her Majesty's Treasury, and shall be laid before both Houses of Parliament before the 1st day of April in every year, if Parliament be then sitting, or if Parliament be not sitting, then within fourteen days after the next meeting of Parliament; and the gross amount of all moneys received and paid by the Commissioners for the Reduction of the National Debt, under the authority of the said Acts hereby repealed, or any of them, or this Act, prepared up to the 5th day of January in every year, shall also be annually laid before both Houses of Parliament on or before the said 1st day of April, or within such period as aforesaid.



14. *Military Savings Banks not to be within the Provisions of 9 Geo. 4, c. 92, or other Acts.*] The savings banks established under the firstly herein-before recited Act, and to be established or continued under this Act, shall not, nor shall any moneys which have been placed to the account or have come to the hands of the Commissioners for the Reduction of the National Debt, under the Acts hereby repealed, or any of them, or which may be placed to the account or come to the hands of such commissioners under this Act, be taken to be within the provisions of an Act passed in the 9 Geo. 4, intituled "An Act to consolidate and amend the Laws relating to Savings Banks," or of any other Act heretofore passed relating to savings banks.

15. *As to the word "India."*] In the construction of this Act "India" shall have the same meaning as under s. 1 of 21 & 22 Vict. c. 106.

16. *Commencement of Act.*] This Act shall, as regards the making of regulations for savings banks thereunder, take effect immediately after the passing hereof, and in all other respects shall take effect from the time at which the regulations first made shall be therein appointed to come into operation.

## CAP. XXI.

*An Act to regulate the Office of Queen's Remembrancer, and to amend the Practice and Procedure on the Revenue Side of the Court of Exchequer.* [13th August, 1859.]

WHEREAS 5 & 6 Vict. c. 86, was passed "for abolishing certain Offices on the Revenue Side of the Court of Exchequer in England, and for regulating the Office of her Majesty's Remembrancer in that Court:" And whereas the office of the said remembrancer may be conveniently held and the duties thereof performed by one of the masters of the said court, and the Commissioners of her Majesty's Treasury have, upon the retirement of Henry William Vincent, Esquire, appointed William Henry Walton, Esquire, one of the said masters, to the said office of remembrancer: And whereas it is expedient further to regulate the said office, and to make other provision in relation thereto, and to the procedure on the revenue side of the said court: Be it enacted &c. as follows:—

1. *Appointment of Queen's Remembrancer.*] The said appointment of the said William Henry Walton shall be confirmed, and he may continue to hold the office of her Majesty's remembrancer during good behaviour, together with the office of master; and upon any vacancy in the said office of remembrancer, it shall be lawful for the Commissioners of her Majesty's Treasury to appoint from time to time one of the masters of the Court of Exchequer to be such remembrancer, and such master shall hold such office together with the office of master: Provided, that in the absence of the remembrancer from illness or other cause the senior master for the time being in attendance may perform the duties of the office of remembrancer.

2. *The Treasury to regulate Establishment and to fix Salaries.*] It shall be lawful for the Commissioners of her Majesty's Treasury, with the consent of the Lord Chief Baron of the Court of Exchequer, as soon as conveniently may be after the passing of this Act, to reduce or regulate the establishment under her Majesty's remembrancer, and to fix or alter the salaries of the remembrancer and the clerks and other persons employed in such establishment, and from time to time, and with the like consent, further to regulate or alter such establishment and salaries as occasion may require.

3. *Power to the Treasury to award Compensation.*] Any officer or other person who may suffer loss through the reduction or regulation of such establishment may make a claim for compensation to the Commissioners of her Majesty's Treasury; and the said commissioners, if such claim be established to their satisfaction, shall award to the claimant such compensation as under the circumstances of the case they think him entitled to, either by a gross sum or by way of annuity.

4. *Salaries and Expenses of Office to be paid out of the Fees.*] The salaries and compensation allowances payable under this Act, together with the necessary expenses of the office of the remembrancer, shall be paid out of the fees received in the said office; and the surplus of such fees, after the payment of such salaries, allowances, and expenses, shall be paid into the receipt of the Exchequer, to the credit of the Consolidated Fund of the United Kingdom; and in the event of the fees so received being at any time insufficient to defray the said salaries, allowances, and expenses, the amount of such deficiency shall be paid out of the Superior Courts Fee Fund, and, in

case of a deficiency in such fund, out of such moneys as shall be provided by Parliament for that purpose.

5. *Provisions of 5 & 6 Vict. c. 86, as to Fees to continue in force.*] The provisions of the said Act of 5 & 6 Vict. concerning the fixing and altering of fees from time to time, and accounts of fees and otherwise, shall continue in force, subject to the provisions of this Act.

6. *Enrolment of Accounts under 1 & 2 Geo. 4, c. 121, to be in the Discretion of the Commissioners of Audit.*] No account shall be transmitted to the office of her Majesty's remembrancer or be there enrolled as of record, pursuant to s. 7 of 1 & 2 Geo. 4, c. 121, except where the commissioners for auditing the public accounts, in the exercise of their discretion, deem it expedient for the public service that such account should be so enrolled for enabling the recovery of any balance or interest due or to become due thereon.

7. *So much of 7 Ann. c. 20, as makes the Remembrancer one of the Registers, &c., repealed.*] So much of the Act of the 7 Anne, c. 20, as makes the Queen's remembrancer or his deputy in the Court of Exchequer one of the registers or masters of the office for the matters and things in that Act contained, shall be repealed, and the registers or masters of such office shall account for and pay over to the said remembrancer such portion of the moneys received under that Act, after payment thereof of such sum or sums as may be payable in respect of the allowance or allowances to their deputy or deputies, as would have been payable to her Majesty's remembrancer if he had continued to be one of the said registers or masters, and the moneys so received by such remembrancer shall be applied and accounted for in all respects as other fees received in respect of his office.

8. *Compensation Moneys for Land under 5 & 6 Vict. c. 94, and 16 & 17 Vict. c. 107, to be paid into the Court of Chancery instead of to the Queen's Remembrancer.*] Any money which, under 5 & 6 Vict. c. 94, "To consolidate and amend the Laws relating to the Services of the Ordnance Department, and the vesting and purchase of Lands and Hereditaments for those Services, and for the Defence and Security of the Realm," is required or authorized to be paid into the hands, or in the name of the remembrancer, or other proper officer of her Majesty's Court of Exchequer at Westminster, or which under 16 & 17 Vict. c. 107, "The Customs Consolidation Act, 1853," is required or authorised to be paid to the proper officer of the Court of Exchequer at Westminster, shall, in lieu of being paid as aforesaid, be paid into the Bank of England, in the name and with the privy of the Accountant-General of the Court of Chancery, to be placed to his account there in the matter of the particular Act to the credit of the persons claiming to be interested therein (naming them), pursuant to the method prescribed by any Act in force at the time being, for regulating the payment of moneys into the said court; and upon the filing in the Court of Chancery of the certificate of such Accountant-General, with the receipt annexed, of the payment into his name as aforesaid, of any such money, the hereditaments in respect whereof the same is paid shall become vested in the like persons and in the like manner and for the like purposes as if such money had been paid in manner provided by the said Acts of the 5 & 6 and 16 & 17 Vict. respectively, and this Act had not been passed; and the Court of Chancery shall have the like powers in relation to such money as by the said Acts are given to the Barons of the Court of Exchequer, and the provisions of the said Acts in relation to such money shall be read and construed as referring to the Court of Chancery and the said Accountant-General in the place of the Court of Exchequer and the said remembrancer.

9. *Sect. 222 of 15 & 16 Vict. c. 76, extended to Suits, &c., in Exchequer.*] Sect. 222 of the "Common Law Procedure Act, 1852," for the amendment of defects and errors in any proceeding in civil causes, and concerning the costs and terms of such amendment, shall extend to all suits and proceedings of the revenue side of the Court of Exchequer.

10. *Special Case may be stated by Consent of Parties and Order of a Judge.*] In any suit or proceeding on the revenue side of the Court of Exchequer, the parties may, at any time before judgment, by consent and order of a judge, state any question or questions of law in a special case for the opinion of the Court, without pleadings, and upon judgment thereon error may be brought as on a judgment or a special verdict, unless the parties agree to the contrary, and the proceedings for bringing a special case before the Court of Error shall, as nearly as may be, be the same as in the case of a special verdict, and the Court of Error shall either affirm the judgment or give the same



judgment as ought to have been given in the Court in which it was originally decided, the said Court of Error being required to draw any inferences of fact from the facts stated in such special case, which the Court below ought to have drawn.

11. *Costs to follow Event unless otherwise agreed.*] In case no agreement shall be entered into as to the costs of such special case and proceedings, the costs shall follow the event, and be recovered by the successful party.

12. *Appeal from Assessments of Succession Duty may be carried to a Superior Court.*] In cases of appeal from the assessment of the Commissioners of Inland Revenue to the Court of Exchequer, made under the provisions of the Succession Duty Act, 1853, the party decided against may appeal from the decision of the Court upon a case to be stated by the parties, or, if they differ, to be settled by the Court, or a judge thereof, or any officer to whom the Court may think proper to refer the same; and the Court of Appeal shall give such judgment as ought to have been given by the Court of Exchequer, and shall have power to adjudge the payment of costs.

13. *Courts of Appeal.*] Such appeal as aforesaid shall be made to the Court of Error in the Exchequer Chamber, and the decision of the said Court of Error shall be subject to appeal to the House of Lords.

14. *Notice of Appeal to be given.*] No such appeal shall be allowed under this Act unless notice thereof be given in writing to the opposite party or attorney, and to the proper officer of the court, within four days after the decision complained of, or such further time as may be allowed by the Court or judge.

15. *In summary Proceedings for Legacy or Succession Duty Parties may appeal.*] In any proceeding in the Court of Exchequer by writ of summons under the Succession Duty Act, 1853, or by rule under any of the Legacy Duty Acts, the Court may refer the matter to the proper officer to report thereon, and may, if they deem it expedient, order the facts contained in such report to be stated in the form of a special case for the opinion of the Court, and may give such directions as to the mode of settling the case, and the matters to be contained therein, and for the production of such documents, and may direct any issue or issues of fact to be tried by a jury, as they may think proper, and the Court may proceed to give judgment on such case, and for any amount of duty the Court are of opinion may be due to the Crown, and for costs, in like manner as on a verdict on information, and on such judgment error may be brought and judgment given as on a special case stated by consent.

16. *Powers of 1 Will. 4, c. 23, &c., as to Examination of Witnesses, and of Sections 46, 47, 48, & 49 of 15 & 16 Vict. c. 76, extended to Revenue Proceedings. Persons giving false Evidence guilty of Perjury.*] All the powers, authorities, and provisions, contained in 1 Will. 4, c. 22, intitled "An Act to enable courts of law to order the examination of witnesses upon interrogatories," and of the Act of the thirteenth year of King George the Third, recited therein, as to the examination of witnesses within and out of the jurisdiction of the superior courts of common law at Westminster, and as to the attendance of witnesses, production of documents, costs thereof, and other matters relating to such examinations, and all the powers, authorities, and provisions contained in the 46th, 47th, 48th, & 49th sections of the "Common Law procedure Act, 1854," are hereby extended to all suits and proceedings on the revenue side of the said Court of Exchequer; and if upon any examination under this enactment, any person wilfully and corruptly give any false evidence, he shall be deemed and taken to be guilty of perjury, and shall and may be indicted and prosecuted for such offence in the county where such evidence is given, or in the county of Middlesex if the evidence be given out of England.

17. *Revenue Causes may be tried without a commission.*] From and after the passing of this Act, it shall be lawful for all justices of assize, and they are hereby authorised and empowered, on their respective circuits, to try suits and proceedings pending on the revenue side of the Court of Exchequer, and to proceed thereon in like manner as they can or may do in respect of causes pending on the plea side of the said court, and it shall not be necessary hereafter to issue any commission from the revenue side of the said court for that purpose.

18. *Error to be brought within six years. Proviso as to disabilities.*] No judgment in any cause on the revenue side of the Exchequer shall be reversed or avoided for any error or defect therein, unless error be commenced, or brought and prosecuted with effect within six years after such judgment signed or entered of record; Provided that if the party entitled to bring error

be at the time of such title accrued within the age of twenty-one years, femme covert, non compos mentis, or beyond the seas, the Court or a judge may allow error to be brought at any other time.

19. *Writ of Error abolished.*] A writ of error shall not be necessary or used in any suit or proceeding in error on the revenue side of the Court of Exchequer, and the proceeding to error shall be a step in the cause, and shall be taken in manner and subject as to such terms and conditions as to giving bail or security as may be directed by any rule or order made by the barons under this or any other Act or Acts of Parliament authorising the same; provided that nothing herein contained shall invalidate any proceedings already taken or to be taken by reason of any writ of error issued before the commencement of this Act, or before such rules and orders come into effect.

20. *Bill of exceptions.*] Either party may tender a bill of exceptions on the trial of any issues arising on the revenue side of the Court, and the like proceedings may be had and taken thereon as in such cases between subject and subject.

21. *Costs.*] The costs of all suits, informations, and other proceedings, and of any interlocutory matter or proceeding on the revenue side of the Court of Exchequer, whether in law or equity, may be adjudged, decreed, or ordered by the Court or a judge between the Crown and the subject on the same principles as such costs are now allowed between subject and subject so far as such principles may be applicable, subject to such rules and orders as to the allowance of such costs as may be made by the barons under this or any other Act of Parliament authorising the same; and it shall be lawful for the Commissioners of her Majesty's Treasury, and they are hereby required to pay costs directed to be paid by the Crown out of any moneys which may hereafter be voted by Parliament for that purpose.

22. *Defect in Form not to qualify Pleadings.*] No pleading on the revenue side of the Court of Exchequer shall be deemed insufficient for any imperfection, omission, defect in or lack of form, or formal commencement or conclusion, or for the want or omission of an averment of any matters unnecessary to be proved.

23. *Process on Estreats may issue without reference to any Seal Day.*] Unless stayed by order of the Court of Exchequer, or a baron thereof, or by warrant of the Commissioners of her Majesty's Treasury, process for duly levying and enforcing payment of all fines, issues, amerciaments, penalties, and forfeited recognizances, estreated into the Court of Exchequer, and not lawfully vacated and discharged, may be issued by her Majesty's remembrancer at any time or times without reference to any seal day, and so, from time to time, until the same shall be fully paid or levied, vacated or discharged.

24. *Provision for the Recovery of a Debt of Record due to her Majesty, where the Party liable resides in another Jurisdiction.*] For the recovery of any debt which by record in her Majesty's Court of Exchequer in England has become or shall become due to her Majesty, in any case where the person of the debtor, or the estate or effects of such debtor, may be within the jurisdiction of the Court of Exchequer in Scotland or Ireland, a copy of the record of such debt may be exemplified and transmitted, under the great seal of the said Court of Exchequer in England, to such other of her Majesty's said Courts of Exchequer having jurisdiction in the place where the person liable to payment of such debt happens to reside, or where his estate or effects may be, and the Court to which such exemplified copy is transmitted shall cause such copy to be forthwith enrolled in the rolls of the said Court; and upon the same being so enrolled, the said court shall cause execution or other process to issue for recovering or levying the said debt so due to her Majesty, according to the rules and practice of such Court, in like manner in all respects as if such record had been originally entered or filed in such court, or the said debt had originally accrued within the jurisdiction thereof; and the proceeds of such debt, when so recovered, shall be accounted for and paid over in the same manner as if the same had been recovered within the jurisdiction of the Court in which such debt originally accrued.

25. *The Crown may re-enter on Lands to enforce Right without Inquisition taken.*] When a right of re-entry upon lands or other hereditaments shall have accrued to her Majesty or her successors, such right may be exercised or enforced without any inquisition being taken or office being found, or any actual re-entry being made on the premises.

26. *Rules may be made by the Barons as to the Process, Practice, and Pleading in Revenue.*] It shall be lawful for the Lord Chief Baron and two or more Barons of the Court of Exchequer, from time to time, to make all such rules and orders as to the process, practice, and mode of pleading on the revenue side of the court, and as to the allowance of costs, and for the effectual execution of this Act, and the intention and objects thereof, as may seem to them necessary and proper; and also, from time to time, by any such rule or order to extend, apply, or adapt any of the provisions of the "Common Law Procedure Act, 1852," and the "Common Law Procedure Act, 1854," and any of the rules of pleading and practice on the plea side of the said court to the revenue side of the said court, as may seem to them expedient for making the process, practice, and mode of pleading on the revenue side of the said court as nearly as may be uniform with the process, practice, and mode of pleading on the plea side of such court.

27. *New Forms of Writs and Proceedings may be made.*] Such new or altered writs and forms of proceedings, and scales of costs for the revenue side of the said court may be issued, altered, taken, and acted on as the said Lord Chief Baron and Barons shall, from time to time, think fit to order, and all such writs and proceedings shall be acted on and enforced in such and the same manner as the writs and proceedings on the revenue side of the said court are now acted on and enforced, or as near thereto as the circumstances of the case will admit; and any existing form of writ or proceeding the form of which shall be in any manner altered in pursuance of this Act shall nevertheless be of the same force and virtue as if no alteration had been made therein, except so far as the effect thereof may be varied under the powers of this Act.

28. *Sect. 8 of 3 & 4 Will. 4, c. 99.*] *Sect. 8 of 3 & 4 Will. 4, c. 99,* and so much of any other Act as provides for the examination and audit of the accounts of any sheriff or under-sheriff by the Commissioners for auditing the Public Accounts, shall be repealed, so far as respects the accounts of any sheriff who may leave office after the passing of this Act, and the accounts of the under-sheriff of any such sheriff; and all accounts of such sheriffs and their under-sheriffs now required to be examined and audited by the said commissioners shall be examined and audited by such persons and in such manner as the Commissioners of her Majesty's Treasury may from time to time, by warrant under their hands, direct, and the Commissioners of the Treasury may, by any such warrant, make all such provisions in relation to the transmission, examination, and audit of such accounts, and for ascertaining and determining the balances due from and the discharge of the persons accounting as to the said commissioners may seem proper; and every such warrant shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next meeting of Parliament.

29. *Transmission of Sheriff's Accounts.*] Subject to such other provisions in this behalf as may be made by any such warrant as aforesaid, all sheriffs and under-sheriffs now required to transmit accounts to the Commissioners for auditing the Public Accounts, in manner provided by s. 9 of the said Act of the 3 & 4 Will. 4, shall, in lieu of transmitting the same to such commissioners, transmit the same to the Commissioners of her Majesty's Treasury: And so much of s. 31 of the said Act as requires a copy of the accounts therein mentioned to be transmitted to the Commissioners for auditing Public Accounts is hereby repealed.

30. *Form substituted for that in 3 Geo. 4, c. 46.* *Construction of s. 1, of 4 Geo. 4, c. 37.*] The form of writ in the schedule to this Act shall be substituted for the form in schedule (A.) to the Act of the 3 Geo. 4, c. 46; and s. 1 of the Act of the 4 Geo. 4, c. 37, amending the said Act of the third year of the same reign, shall be construed as if the words "lands or tenements" were omitted therein.

31. *Sect. 14, of 3 Geo. 4, c. 46, repealed.*] *Sect. 14 of the said Act of the 3 Geo. 4 shall be and is hereby repealed.*

32. *Clerks of Assize now required to estreat Fines, &c., into the Exchequer, to send Process to the Sheriff.*] The clerks of assize and the clerk of the Crown for the County Palatine of Durham and Sadberge, by whom respectively any fines, issues, amerciaments, penalties, and recognisances set, lost, imposed, or forfeited would, if this Act had not been passed, have been certified or estreated in or into the exchequer, shall not so certify or estreat the same or transmit any account thereof to the Commissioners for auditing the Public Accounts, but every

such clerk of assize and such clerk of the Crown respectively shall, in the like cases and at the like times in and at which he would, if this Act had not been passed, have certified or estreated such fines, issues, amerciaments, penalties, and recognisances as aforesaid, copy on a roll such fines, issues, amerciaments, penalties, and recognisances, together with the names and residences, trades, professions, or callings of the parties, and distinguish such as have been paid, and send a copy of such roll, with a writ, according to the form and effect in the schedule to this Act, to the sheriff, bailiff, or officer of the county, city, borough, or place having execution of process therein in which the parties liable to the payment of such fines, issues, amerciaments, penalties, and recognisances are stated to be resident, and such copy and writ shall be the authority to such sheriff, bailiff, or officer for proceeding to the immediate levying and recovering of such fines, issues, amerciaments, penalties, and recognisances on the goods and chattels of such parties, or for taking into custody their bodies in case sufficient goods and chattels be not found whereon distress can be made for recovery thereof; and every person so taken shall be lodged in the common gaol until payment be made or he be discharged by the authority of the Commissioners of her Majesty's Treasury, or otherwise in due course of law; and it shall be competent for such commissioners to give authority under their hands for such discharge, either absolutely or on such terms and conditions as they may see fit: Provided always, that where the residences of the parties in such roll liable as aforesaid are not all in one county, borough, city, or place, then a copy of so much only of such roll as relates to the fines, issues, amerciaments, penalties, and recognisances to be paid by the parties resident in each county, city, borough, or place shall be sent with such writ as aforesaid to the sheriff, bailiff, or officer having execution of process therein.

33. *Oath of Clerk of Assize sending Process.*] The clerk of assize and clerk of the Crown respectively shall, before sending such writ as aforesaid to any such sheriff, bailiff, or officer, make oath before a judge of one of her Majesty's superior courts of record at Westminster, or before any commissioner for taking affidavits in the same courts, or to administer oaths in Chancery, which oath shall be endorsed on the back of the writ, or of the said roll attached thereto; and such oath shall be in the form following:

"I—make oath, that this roll is truly and carefully made up and examined, and that all fines, issues, amerciaments, penalties, and recognisances, which, in right and due course of law, ought to be levied and paid, are, to the best of my knowledge and understanding, inserted in the said roll, and that in the said roll are also contained and expressed all such fines, issues, amerciaments, penalties, and recognisances as have been paid to or received by me, without any wilful or fraudulent discharge, omission, misnomer, or defect whatever.—" So help me God."

34. *Return of Writ to the Treasury.*] The sheriff, bailiff, or officer to whom any such writ as aforesaid is sent shall, on such day as the Commissioners of her Majesty's Treasury may, from time to time, by warrant under their hands, direct, return such writ to such commissioners, and shall state, on the back of the said roll, what has been done in the execution of such process.

35. *Until Fines, &c., are levied, Sheriff to retain Writ, which shall continue in force and be authority to act upon.*] The sheriff, bailiff, or other officer to whom the said writ is sent, shall, until all the said fines, issues, amerciaments, penalties, and recognisances have been paid or recovered, or discharged, or it be duly ascertained, to the satisfaction of the Commissioners of her Majesty's Treasury, that the party in default has not any goods or chattels in the county, city, borough, or place of such sheriff, bailiff, or officer, or in any other county, city, borough, or place in England in which a levy can be made, and that such party cannot be found or that his body cannot be lodged in any of her Majesty's gaols, keep and detain in the possession of such sheriff, bailiff, or officer the writ so directed to him and the roll attached to such writ, delivering to the said Commissioners of her Majesty's Treasury a copy of such roll on the day on which he is required to return such writ, and also a copy of any former roll or rolls in which the fines, issues, amerciaments, penalties, and recognisances have not been paid or discharged; and the original writ and roll or writs and rolls sent to the sheriff, bailiff, or other officer, shall continue in force and effect, and shall be sufficient authority without any further writ or roll, for the levying of the said fines, issues, amerciaments, penalties, and recognisances, and such sheriff, bailiff, or other officer is hereby authorised and required on quitting his office to deliver over to his successor all rolls and writs in his posses-







the Two Universities and Colleges of Aberdeen: Be it therefore enacted, as follows:—  
 That the University of St. Mary's, in the University of St. Andrew's, be required to subscribe the Confession of Faith: It shall not be necessary for any person who shall be elected, presented, or provided to the office of principal in any of the universities or colleges in Scotland, except the College of St. Mary's, in the University of St. Andrew's, subsequently to the date at which the said second-recited Act shall have come into operation therein, to make and subscribe the acknowledgment or declaration mentioned in an Act passed in the fourth session of the first Parliament held in Scotland by her Majesty Queen Anne, intitled "An Act for securing the Protestant Religion and Presbyterian Church Government;" but every such person shall make and subscribe in the manner provided by the said first-recited Act as to persons elected, presented, or provided to any chairs in any such university or college, the declaration therein set forth.

## CAP. XXV.

An Act to continue certain Acts relating to Lunatics, and other Manufactures in Ireland. [13th August, 1859]

## CAP. XXVI.

An Act to make further Provision for the Regulation of the Trade with the Indians and for the Administration of Justice in the North-western Territories of America. [13th August, 1859.]

WHEREAS an Act was passed in the 43<sup>rd</sup> of Geo. 3, c. 138, for extending the jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces; and an Act was passed in the 1<sup>st</sup> & 2<sup>nd</sup> Geo. 4, c. 66, for "regulating the trade with the Indians, and for establishing a criminal and civil jurisdiction within certain parts of North America;" and by the firstly herein mentioned Act was enacted, that all offences committed within any of the Indian territories or parts of America not within the limits of either of the provinces of Lower or Upper Canada, or of any civil government of the United States of America, should be and be deemed to be offences of the same nature, and should be tried in the same manner, and subject to the same punishment, as if the same had been committed within the provinces of Lower or Upper Canada; and by the secondly herein mentioned Act, it was enacted, that it should be lawful for his Majesty, if he should deem it convenient so to do, to issue a commission, or commissions to any person or persons to be and act as justices of the peace within such parts of America as aforesaid; and it was also enacted, that it should be lawful for his Majesty, by commission under the Great Seal, to authorize and empower such persons so appointed justices to sit and hold courts of record for the trial of criminal offences and misdemeanours, and also of civil causes: And whereas no courts of record have been established or authorised as aforesaid, and it is expedient to make further provision for the administration of justice in criminal cases in the said Indian territories, and such other parts as aforesaid of America, and also to make provision for better regulating trade with the Indians in the territories and parts aforesaid: Be it therefore enacted &c. as follows:—

1. Justices of the Peace in the British American Indian Territories, authorized to try Offences summarily, and punish by Fine or Imprisonment.] It shall be lawful for her Majesty, by the commission by which any justices of the peace are appointed under the said Act of Geo. 4, or by any subsequent commission, or by any order in council, from time to time to authorize any such justice or justices to take cognizance of and try in a summary way all crimes, misdemeanours, and offences whatsoever, except in hereinafter mentioned, within the local limits of the jurisdiction of such justices (or such parts thereof) as her Majesty may direct in this behalf, and to punish such crimes, misdemeanours, and offences by fine or imprisonment, or both; and it shall be lawful for her Majesty in manner aforesaid, from time to time to restrict or regulate the exercise of such jurisdiction as she may think fit, and to direct in what cases the same may be exercised by one or by more than one of such justices, and generally to make such provision concerning the exercise of such jurisdiction as to her Majesty may seem expedient; and it shall also be lawful for her Majesty, in manner aforesaid, to order or authorize the appointment of all proper officers to act in aid of such justices, and the said justices respectively may do or cause to be done all

Acts, matters, and things for the execution of their sentences and in aid of their jurisdiction under this Act which might be done or caused to be done by Courts of Record having jurisdiction in the like cases: Provided always, that where the offence with which any person is charged before any such justice or justices is one which is punishable with death, or one which in the opinion of such justice or justices ought, either on account of the inadequacy of the punishment which such justice or justices can inflict, or for any other reason, to be made the subject of prosecution in the ordinary way, rather than to be disposed of summarily, such justice or justices shall commit the offender to safe custody, and cause him to be sent in such custody for trial to Upper Canada, as provided by the said Act of George 4; or, where such justice or justices may see fit, to the colony of British Columbia; and such offender may be tried and dealt with by any Court constituted in British Columbia having cognizance of the like offences committed there, and such Court shall have the like powers and authorities for this purpose as under the said Acts are given to any Court in Canada in the like cases.

2. The Power to establish Courts of Record not to be affected.] Provided that nothing herein-before contained shall be taken to repeal or affect the provisions of 1 & 2 Geo. 4, c. 66, concerning the establishment of courts of record in the said territories, and where such courts are established any offenders within the limits of the jurisdiction thereof may be committed for trial to such courts instead of the courts of Canada or British Columbia.

3. Her Majesty, by Order in Council, may make Regulations for the Trade with the Indians.] It shall be lawful for her Majesty, by and with the advice of her Privy Council, from time to time to make such rules and regulations as she may deem expedient for the conduct of the trade with the Indians, and for diminishing or preventing the sale and distribution of spirits to the Indians, or for promoting their moral and religious improvement, to be in force in all or any portions of the territories mentioned in the said Act of Geo. 4, which may not be included in any grant or license for the time being in force under that Act.

4. Hudson's Bay Company, British Columbia, and Vancouver's Island not affected.] Nothing herein contained shall extend to the territories heretofore granted to the Company of Adventurers trading to Hudson's Bay; and nothing herein contained shall extend to the colony of British Columbia, save as herein expressly provided, or to the colony of Vancouver's Island.

## CAP. XXVII.

An Act to repeal the Thirty-first Section of the Act of the Sixteenth and Seventeenth Years of Victoria, Chapter Ninety-five, and to alter the Limit of the Number of European Troops to be maintained for local Service in India. [13th August, 1859.]

## CAP. XXVIII.

An Act to amend the Galleys Harbour and Port Act (1823). [13th August, 1859.]

## CAP. XXIX.

An Act to repeal a certain Toll levied upon Fishing Vessels passing the Nore. [13th August, 1859.]

## CAP. XXX.

An Act to extend the Enactments relating to the Copper Coin to Coin of mixed Metal. [13th August, 1859.]

BE it enacted &c. as follows:—  
 1. Enactments concerning the Copper Coin, 2 & 3 Will. 4, c. 34, to apply to Coins of mixed Metal.] When any coin of bronze or mixed metal shall be current by virtue of any proclamation that may be issued by her Majesty, all the penalties and provisions of 2 & 3 Will. 4, c. 34, "For consolidating and amending the Laws relating to the Coin," which are applicable to the current copper coin, or offences or acts relating thereto, shall be applicable to such current coin of bronze or mixed metal, or the like offences or acts relating thereto; and sects. 12 & 14 of the said Act, and all other provisions of such Act, and all enactments whatever, where current copper coin is mentioned or referred to, shall be construed and take effect as if, in addition to current copper coin, current coin of bronze or mixed metal had been also in every such case mentioned or referred to.





administrators, shall thereupon be entitled to sue on the said security, or put the same in force in his or their own name or names, both at law and in equity, as if the same had been originally given to him instead of to the judge of the said court; and shall be entitled to recover thereon, as trustees for all persons interested, the full amount due in virtue thereof.

18. *Administration pending Suit deemed to apply to Appeals.* All the provisions contained in the Court of Probate Act respecting grants of administration pending suit shall be deemed to apply to the case of appeals to the Court of Appeal in Chancery in Ireland, and also to the House of Lords, under the said Act.

19. *Registrars may issue Subpœnas to produce Papers, &c.* It shall be lawful for a registrar of the principal registry of the Court of Probate, and whether any suit or other proceeding shall or shall not be pending in the said Court, to issue a subpœna requiring any person to produce and bring into the principal or any district registry, or otherwise as in the said subpœna may be directed, any paper or writing being or purporting to be testamentary, which may be shown to be in the possession, within the power, or under the control of such person; and such person, upon being duly served with the said subpœna, shall be bound to produce and bring in such paper or writing, and shall be subject to the like process of contempt in case of default as if he had been a party to a suit in the said Court, and had been ordered by the judge of the Court of Probate to produce, and bring in such paper or writing.

20. *The Registrars to do all Acts heretofore done by Surrogates.* The registrars of the principal registry shall be invested with and shall may exercise with reference to proceedings in the Court of Probate the same power and authority which surrogates of the judges of the Prerogative Court of Canterbury could or might before the passing of the Court of Probate Act have exercised in chambers with reference to proceedings in the said Prerogative Court.

21. *Copies of Wills may be certified by a Stamp.* Copies of wills required to be transmitted by a district registrar, and certified by him to be correct copies, under a 55 of the Court of Probate Act, may be so certified and transmitted under a stamp provided by the district registrar for that purpose, and approved of by the judge of the Court of Probate.

22. *Certificates from the Principal Registry may be stamped.* Certificates issued from the principal registry with reference to notices of applications transmitted from the district registrars, under sect. 53 of the Court of Probate Act, need not be made under the hand of a registrar of the principal registry, as required by the said Act, but may be issued under a stamp provided for that purpose, and approved of by the judge of the Court of Probate.

23. *Requisitions may be issued for the Transmission of a single Paper.* Whereas doubts have been entertained whether a requisition can be issued under sect. 96 of the Court of Probate Act for the transmission of one or more papers only, not being all the papers and documents in the custody of the person to whom any such requisition may be addressed: Be it therefore enacted and declared, that the said section shall be construed to extend to all requisitions, whether for the transmission of one or of more records, wills, grants, probates, letters of administration, administration bonds, notes of administration, court books, calendars, deeds, processes, Acts, proceedings, or other instruments relating exclusively or principally to matters and causes testamentary.

24. *Power to enforce Decrees as to Costs.* The judge of the Court of Probate, and the registry of the principal registry thereof, shall respectively, in any case where an ecclesiastical or other court having testamentary jurisdiction had, previously to the 11th day of January, 1856, made an order or decree in respect of costs, have the same power of taxing such costs and enforcing payment thereof, or of otherwise carrying such order or decree into effect, as if the cause wherein such decree was made had been originally commenced and prosecuted in the said Court of Probate; provided that, in taxing any such costs, or any other costs incurred in causes depending in any such courts before the time aforesaid, all fees, charges, and expenses shall be allowed which might have been legally made, charged, and enforced according to the practice of the Prerogative Court of Ireland.

25. *Letters of Administration granted in Ireland not to be revealed in England until sufficient Bond is given.* Letters of administration granted by the Court of Probate in England shall not be revealed, under sect. 54 of the 30 & 31 Vict. c. 75,

until a certificate has been filed under the hand of a registrar of the Court of Probate in England, that bond has been given to the judge of the Court of Probate in England in a sum sufficient in amount to cover the property in Ireland as well as England in respect of which such administration is required to be revealed.

26. *Commissioners may be appointed in the Isle of Man, &c.* It shall be lawful for the judge of the Court of Probate to appoint by commission, under seal of the court, any persons practising as solicitors in the Isle of Man, in the Channel Islands, or any of them, and also such persons resident in England, Wales, and Scotland, as he shall think fit, to administer oaths, and to take declarations or affirmations, and to exercise any other powers which can be exercised by commissioners of her Majesty's Court of Probate; and such persons shall be entitled, from time to time, to charge and take such fees as any other persons performing the same duties in the Court of Probate may charge and take.

27. *Affidavits, before whom to be sworn when Parties making them reside in Foreign Parts.* In cases where it is necessary to obtain affidavits, declarations, or affirmations to be used in the Court of Probate from persons residing in foreign parts out of her Majesty's dominions, the same may be sworn, declared, or affirmed before the persons empowered to administer oaths under the Act of the 6 Geo. 4, c. 87, or under the Act of the 18 & 19 Vict. c. 42; provided that, in places where there are no such persons as are mentioned in the said Acts such affidavits, declarations, or affirmations may be made, declared, and affirmed before any foreign local magistrate or other person having authority to administer an oath.

28. *Affidavits, before whom to be sworn in Colonies, &c.* Affidavits, declarations, and affirmations to be used in the Court of Probate may be sworn and taken in the Isle of Man, the Channel Islands, or any colony, island, plantation, or place out of the United Kingdom of Great Britain and Ireland under the dominion of her Majesty, before any court, judge, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or, so far as relates to the Isle of Man and the Channel Islands, before any commissary, ecclesiastical judge, or surrogate, who, at the time of the passing of the Court of Probate Act, was authorised to administer oaths in the Isle of Man or in the Channel Islands respectively, and all registrars and other officers of the Court of Probate shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary public, or person, which shall be attached, suspended, or subscribed to any such affidavit, declaration, or affirmation, or to any other document.

29. *Persons forging Seal or Signature guilty of Felony.* If any person shall forge any such seal or signature as last aforesaid, or any seal or signature impressed, affixed, or subscribed, under the provisions of the said Act of the 6 Geo. 4, or of the said Act of the 18 & 19 Vict., to any affidavit, declaration, or affirmation to be used in the Court of Probate, or shall tender in evidence any such document as aforesaid with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to penal servitude for the term of his life, or for any term not less than seven years, or to be imprisoned, with or without hard labour, for any term not exceeding three years nor less than one year; and whenever any such document has been admitted in evidence by virtue of this Act, the Court, or the person who has admitted the same, may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in the custody of some officer of the Court or other proper person, for such period and subject to such conditions as to the said Court or person shall seem meet; and every person charged with committing any felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in the county, district, or place in which he may be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence laid and charged to have been committed in any county, district, or place in which the principal offender may be tried.

30. *Persons taking a false Oath before a Surrogate guilty of Perjury.* Any person who shall wilfully give false evidence, or who shall wilfully swear, affirm, or declare falsely in any affidavit or deposition before any surrogate having authority to administer oaths under the Court of Probate Act, or before any person who before the passing of the said Act was a surrogate used for and in the Isle of Man, or in the Channel Islands, or in any colony, island, plantation, or place out of the United Kingdom of Great Britain and Ireland, shall be guilty of perjury.



authorised to administer oaths in any of the Channel Islands, or before any person authorised to administer oaths under this Act, shall be liable to the penalties and consequences of wilful and corrupt perjury.

31. *Provision for the necessary absence of Officers.* In case any officer appointed or to be appointed by virtue of the Court of Probate Act, 1857, or of this Act, shall, by reason of ill-health or other infirmity, become temporarily incapable of performing the duties of his office; it shall be lawful for the judge to appoint some other fit and proper person to discharge the duties of such office for any period not exceeding six calendar months at any one time, and the person so appointed shall, during such period, have all the power and authority of the officer in whose place he shall be so appointed, and shall be paid by such officer such sum, by way of salary or allowance as shall be agreed upon between them respectively, or be fixed by the judge; and the judge may, at his discretion, give leave of absence to any officer of the Court for any period not exceeding two months in any year, and shall have the like power of making provision for the discharge of the duties of the office during such absence.

32. *The Judge to have the same Powers over Practitioners as Judges of other Courts.* The Judge of the Court of Probate shall have and exercise over proctors, solicitors, and attorneys practising in the said court, the like authority and control as is now exercised by the judges of any court of equity or common law over persons practising therein as solicitors or attorneys.

33. *Provision for Expenses of Indexing, &c., Documents required to be removed under Requisition.* When any requisition shall issue in pursuance of a 96 of "The Court of Probate Act, 1857," it shall be lawful for the Commissioners of her Majesty's Treasury, out of such moneys as may be provided and appropriated, by Parliament for that purpose, to cause to be paid all such expenses attending the arranging, classification, indexing, carriage, or otherwise connected with the removal of the documents or books required by such requisition to be removed, as the judge shall from time to time certify to the said commissioners to be proper and necessary.

34. *Made of calculating Time of Service of Judges of Superior Courts of Law or Equity with reference to Retiring Pensions.* In calculating the time of service of any judge of her Majesty's superior courts of law or equity in Ireland with reference to the retiring pension or annuity to be granted to such judge on the resignation of his office, the period during which he shall have served as judge of her Majesty's Court of Probate in Ireland shall be allowed, in like and same manner as if he had during said period served as one of the judges of her Majesty's superior courts of law or equity in Ireland.

35. *Sects. 19 & 20 of 19 & 20 Vict. c. 92, to include Court of Probate in Ireland.* Sects. 19 & 20 of the Chancery Appeal Court (Ireland) Act, 1856, so far as they refer to and include the Court of Prerogative in Ireland and the judge thereof, shall be construed, deemed, and taken to refer to and include the Court of Probate in Ireland and the judge thereof, in like and the same manner as if the said Court of Probate in Ireland and the judge thereof had been therein referred to and included, instead of the said Court of Prerogative in Ireland and the judge thereof.

36. *Short Title.* In citing this Act in any instrument, document, or proceeding, it shall be sufficient to use the expression "Court of Probate Act (Ireland), 1859."

## CAP. XXXII.

*A Act to amend the Law concerning the Police in Counties and Boroughs in England and Wales.* 23 & 24 Vict. c. 69.

BE it enacted &c. as follows:—

1. *Police Districts under 3 & 4 Vict. c. 88, and s. 4, 19 & 20 Vict. c. 69, may be consolidated or merged.* The powers given to the justices of the peace in general or quarter sessions by s. 27 of the Act of 3 & 4 Vict. c. 88, and by s. 4 of the Act of 19 & 20 Vict. c. 69, to alter from time to time the extent of police districts, shall extend and be deemed to have extended to authorise the union of two or more police districts, with or without any other alteration of limits, or the consolidation for police purposes of any such district or districts with the rest or with any part of their county.

2. *County Constables not to be required to act in any Borough.* No county constable shall, as such constable, be required to act in any borough having a separate police establishment, except in execution of warrants of justices of such county, or by the order of his chief constable or superintendent; and in

all cases of special emergency the chief constable or superintendent, when required so to do by the watch committee of any borough having a separate police establishment, shall have power to direct the county constables to act within such borough; and no constable of any borough having a separate police establishment shall as such constable be required to act out of his borough, except in execution of warrants of justices of such borough, or in pursuance of directions from the watch committee in case of special emergency.

3. *County Constables not to vote in certain Municipal Elections.* No chief or other constable already appointed or hereafter to be appointed for any county, under the Act of the session holden in the 2 & 3 Vict. c. 93, or the said Act of the 3 & 4 Vict. or the said Act of the 19 & 20 Vict., shall, during the time he continues to be such constable, be capable of giving his vote for the election of any person to any municipal office in any borough within such county, or in any other borough in which such constable has authority, nor shall any such constable, by word, message, writing, or in other manner, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to hold any municipal office in such borough; and if any such constable shall offend therein he shall forfeit the sum of ten pounds, to be recovered in any court of competent jurisdiction, by any person who shall sue for the same within six months after the commission of the offence, and one half of the sum recovered shall be paid to the person suing for the same, and the other half to the treasurer of the county, to be by him applied for the purposes of the police of the county.

4. *Sect. 13 of 2 & 3 Vict. c. 93, amended.* So much of s. 13 of the said Act of the 2 & 3 Vict. c. 93, as provides that every constable who shall resign or withdraw himself without such leave or notice as therein mentioned shall be liable, on being convicted thereof before any two justices of the peace for the county, to forfeit all arrears of pay then due to him, or to a penalty not more than five pounds, shall be repealed; and in case any constable under the said Acts of the 2 & 3, 3 & 4, and 19 & 20 Vict., or any of them, shall resign or withdraw himself from his duty without such leave or notice as is required by the said section, such resignation or withdrawal shall be notified in writing, by the chief constable or by the superintendent under whom the offending constable may have been placed, to the treasurer of the county or the paymaster of the constabulary force, and all arrears of pay then due to such constable on resigning or withdrawing shall, without further proceeding in respect of his offence, be forfeited; and upon summary conviction of such offence before any two justices of the peace for the county such constable shall be liable to a penalty not exceeding five pounds.

5. *Limitation of Borough Watch Rate under 2 & 3 Vict. c. 28, and 3 & 4 Vict. c. 28, repealed.* So much of the Acts passed in the 2 & 3 Vict. c. 28, for more equally assessing watch rates in certain boroughs, and of the Act passed in the 3 & 4 Vict. c. 28, to explain and amend the previously mentioned Act, as provides that the amount of watch rate to be levied by the council of any borough shall not exceed in any one year the rate of sixpence in the pound, or otherwise limits the discretion of the said council in relation to the amount of such rates, shall be repealed.

6. *Rates under said Acts not to exceed 8d. in the Pound.* The watch rates levied under the authority of the said Act may be of any amount, at the discretion of the council, not exceeding in any one year the sum of eightpence in the pound of rate.

7. *11 & 12 Vict. c. 14, repealed.* The Act passed in the session holden in the 11 & 12 Vict. c. 14, "for authorising a borough police superannuation fund," shall be repealed; but any superannuation fund created or applied under that Act shall be transferred to and form part of the superannuation fund to be created or applied under this Act.

8. *Superannuation Fund to be provided for Constables.* There shall be deducted from the pay of every constable belonging to the police force established in any borough under the Act of the session holden in the 5 & 6 Will. 4, c. 76, a sum after such yearly rate as the council of the borough may direct, not exceeding the rate of two pounds ten shillings in a hundred pounds for a year, which sum so deducted, and also the moneys accruing from stoppages from any of the said constables during sickness, and fines imposed on any of the said constables for misconduct, and from any portion of the fines imposed by any justice of the peace upon drunken persons, or for assaults upon police constables, and from moiety of fines and penalties awarded to informers (being police constables) on summary

convictions shall be directed, by such justice, to be paid for the benefit of this fund, and all moneys arising from the sale of worn-out clothing, supplied for the use of the said constables, shall from time to time be invested in such manner as the council may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes hereinafter mentioned, shall likewise be invested in the like manner, and accumulate as to form a superannuation fund, and shall be applied from time to time for payment of such superannuation or retiring allowances or gratuities as may be ordered by the watch committee, as hereinafter provided; and the council shall guarantee the security of the superannuation fund of their borough, and make good out of the borough fund, or the borough rates any deficiency which may arise in such superannuation fund from the default of any treasurer or other person intrusted with the custody or management thereof.

9. *Rate of Allowance from the said Fund.* It shall be lawful for the watch committee of any borough, with the approbation of the council, to order that any of the said constables who may be worn out or otherwise disabled from infirmity of mind or body be superannuated, and receive thereupon out of the superannuation fund, a yearly allowance, subject to the following conditions, and not exceeding the following proportions (that is to say) if the constable has served with diligence and fidelity for fifteen years and less than twenty years, an annual sum not more than half his pay; if for twenty years or upwards, an annual sum not more than two-thirds of his pay; provided that if he be under sixty years of age it shall not be lawful to grant any such allowance unless upon the certificate of the officer or head constable that the constable to be superannuated is incapable from infirmity of mind or body to discharge the duties of his office; provided also that if any constable be disabled from any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant him any allowance not more than the whole of his pay; but nothing herein contained shall be construed to entitle any constable absolutely to any superannuation allowance, or to prevent his being dismissed without superannuation allowance.

10. *Power to grant Gratuities to incapacitated Constables who have not served Fifteen Years.* It shall be lawful for the watch committee of any borough, if they think fit, with the approbation of the council, and upon the recommendation of the chief or head constable, and upon his certifying that any constable belonging to the police force of the borough who has not served so long as fifteen years is incapable from infirmity of mind or body to discharge the duties of his office, to order that such constable shall receive out of the superannuation fund such sum in gross as a gratuity upon his retirement as to the said watch committee may seem proper.

11. *Fees received by Constables of a Borough to be paid to the Superannuation Fund.* Any fee payable to any constable appointed for any borough, for the performance of any act of duty in the execution of his duty as such constable, shall be received in such manner as the watch committee, subject to the approbation of the council, may direct, and shall be paid over to the superannuation fund.

12. *Provision for Insufficiency of Superannuation Fund.* If at any time the superannuation fund to be created under this Act for any borough be found insufficient to pay the allowances granted upon it, the amount in which the fund shall from time to time be found insufficient shall be made good from the borough fund; or where such fund be inadequate then from the borough rates.

13. *Superannuation Fund to vest in Borough Treasurer.* The superannuation fund created under this Act in any borough shall vest in the treasurer of the borough, and such treasurer shall keep a separate account of all sums of money by him received and paid in respect of such superannuation fund or for superannuations, and of the several matters for which such sums have been received and paid, and all provisions concerning the keeping, auditing, and publishing, and otherwise in relation to the accounts kept by such treasurer, under the said Act of 5 & 6 Will. 4, shall be applied to the accounts kept under this enactment.

14. *Moiety of Penalty on summary Conviction may be directed to be paid for the Benefit of Superannuation Fund.* That a moiety of any penalty imposed on summary conviction by the Act of the 18 & 19 Vict. intitled, "An Act to repeal the Act of the 17 & 18 Vict. for further regulating the Sale of Beer and other Liquors on the Lord's Day, and to substitute other

Provisions in lieu thereof," may be directed by the justice imposing the penalty to be paid for the benefit of the superannuation fund herein-before mentioned, of the county or borough, according as the offence so punished shall be committed within the limits of the county or borough, and shall be invested and otherwise dealt with accordingly.

15. *Provision for Payment of Allowances heretofore granted Rights, &c. under the repealed Act reserved.* Allowances heretofore granted to constables, or which might have been granted to constables appointed previous to the passing of this Act, under the said Act of the 11 & 12 Vict., shall be paid from the superannuation fund to be applicable under this Act; and all constables now appointed in any borough in which the provisions of the said last-mentioned Act are now in force shall be entitled to receive from the superannuation fund all such allowances payable at such times, and with and under the same rights and conditions, as they would have been entitled to if this Act had not passed.

16. *How past Service of existing Constables to be reckoned for Superannuation Allowances.* The periods of service during which constables have been subjected to deductions from their pay towards a superannuation fund under the said Act of the 11 & 12 Vict. shall, in determining what superannuation allowances may be granted to them, be reckoned and allowed to such constables, and in the case of constables permanently appointed in any borough for which no superannuation fund has been provided, and from whom pay no such deduction has been paid, one half only of the respective periods of service of such constables before the passing of this Act, shall be reckoned or allowed to such constables in determining what superannuation allowances may be granted under this Act.

17. *Provision for the Case of Consolidation of County and Borough Police.* On the consolidation of the police of any borough with the police of any county, under the provisions of the Act of the 9 & 4 Vict. c. 33, the superannuation allowance previously granted to any borough constable shall be charged on the borough fund or the borough rates of the borough, and the superannuation allowance to be thereafter granted to any borough constable transferred under such consolidation shall be charged upon the superannuation fund of the county; and in determining the amount of any such allowance, the period of service of any such constable in the borough shall be reckoned as if the same had been in the county police; and this charge and the disposal of the borough superannuation fund, shall form a part of the agreement to be entered into on the consolidation.

18. *Justice may direct Police to keep order in Court of Assize.* It shall be lawful for the justices of the peace of any county, in general or quarter sessions assembled, if they shall think fit, to direct that a sufficient number of police constables of the said county shall be employed to keep order in and within the precincts of the court of assize, and the chief constable of the county shall thereupon employ a sufficient number of such constables for such purpose, and in that case it shall not be necessary for the high sheriff to provide and maintain any javelin men, or other men servants with liveries, at the assizes, anything contained in the Act of the 13 & 14 Car. 2, c. 21, notwithstanding.

19. *On Promotion of Constables from one Force to another, Half of past Service may be reckoned as Service in the latter Force.* In order to provide the most meritorious and fit men to fill the superior ranks in the police, any constable or officer promoted from one force to another, either of a county or a borough, who shall have served in his last force for a period of seven years, shall, for the purposes of superannuation, reckon as service in the force to which he is promoted one half of the period of his previous service, provided that the promotion be made, in the case of a county constable, on the recommendation of the chief constable, with the sanction of the court of quarter sessions, and in the case of a borough constable on the recommendation of the head constable of the borough, with the sanction of the council, and that in both cases the service be formally certified at the time of promotion.

20. *General or Quarter Sessions of Counties, &c. may grant Gratuities to Widows of Constables dying in Service.* The Court of general or quarter sessions for any county, and the watch committee, subject to the approbation of the council for any borough, may, upon the recommendation of the chief or head constable, grant a gratuity out of the superannuation fund of their county or borough to the widow of any constable who has died in the service, provided the sum so granted do not exceed the amount of one year's pay of such constable, and that he



have contributed to the superannuation fund for a period of not less than three years.

21. Act not to apply, as to Superannuation Fund, to Places where such a Fund already exists.] None of the provisions of this Act relating to a police superannuation fund, or contributions thereto or payments thereout, shall apply to any county, city, or borough in which a police superannuation fund has at the time of the passing of this Act, been established under the provisions of any local Act now in force.

22. Superannuation Fund for the whole County of Lincoln to be One common Fund.] "Whereas the county of Lincoln is under three separate commissions of the peace, namely, Lindsey, Kesteven, and Holland, but is for police superintendence under one chief constable, and it is found inconvenient and unjust that the superannuation fund should be separate: Be it enacted, that, after the passing of this Act, the said superannuation shall be one common account, so long as the police force for the said county of Lincoln shall be under the direction of one chief constable for the three divisions; but if the said force shall hereafter be separated under different chief constables, in that case it shall be lawful to divide the said superannuation fund in proportion to the number of men for each division of the said county of Lincoln at that time serving in the said force, the said superannuation fund to be under the management of the joint committee for the three divisions, and invested by them from time to time.

23. Brighton Watchmen's Superannuation Fund to be transferred to Brighton Police Superannuation Fund.] And whereas under and by virtue of an Act of Parliament passed in the 6 Geo. 4, intitled, "An Act for the better regulating, paving, improving, and managing the Town of Brighthelmston, in the County of Sussex, and the Poor thereof," the commissioners therein named appointed watchmen under the power of that Act to keep watch and ward within the limits thereof (such limits being the same as those of the borough); and such watchmen were sworn in as constables, and such watchmen contributed from their weekly wages sums to form a fund in the nature of a police superannuation fund: And whereas her present Majesty, by the advice of her Privy Council, by certain letters patent under the Great Seal of Great Britain and Ireland, bearing date the 1st day of April, in the seventeenth year of her reign, granted that the inhabitants of the said town should be for ever thereafter one body politic and corporate, and should be called "the mayor, aldermen, and burgesses of the borough of Brighton," and should have perpetual succession and a common seal, and the mayor, aldermen, and councillors of the said borough have been duly elected, and the council thereof duly established, pursuant to the charter: And whereas at the time when the said recited charter of incorporation came into operation within the borough the said fund amounted to a considerable sum, which was deposited in the hands of trustees, and had been invested by them in Government securities, and the same now remains vested in such securities: And whereas the watch committee of the borough on their first appointment of constables for the borough appointed all the said watchmen who were then in office to be such constables: And whereas, under the powers and provisions of an Act made and passed in the 11 & 12 Vict., intitled "An Act for authorising a Borough Police Superannuation Fund in and for the borough: And whereas it is expedient that the fund so contributed as aforesaid, and the securities wherein the same is invested, should be added to the borough of Brighton Police Superannuation Fund: Be it enacted, that the fund so contributed as aforesaid by the watchmen appointed by the said commissioners, and the securities wherein the same is invested, and all arrears of dividends thereon, shall be and the same is hereby vested in the treasurer of the said borough for the time being, and shall be transferred and paid to such treasurer accordingly, who shall hold the same as part of the Police Superannuation Fund of the said borough so as aforesaid established under the authority of the said Act for authorising a Borough Police Superannuation Fund.

24. Gratuity may be granted as Reward for good Service to Police out of Police Rates, &c.] The court of general or quarter sessions for any county, and the watch committee, subject to the approbation of the council for any borough, may, upon the recommendation of the chief constable of any county police force, or of the superintendent of the police for the said borough, grant to any constable in the said county or borough, out of the police rate or borough fund, a gratuity in money not ex-

ceeding £3, in respect of and as a reward for any meritorious act done by the said constable in the execution of his duty.

25. Embezzlement by Constables punishable under 2 & 3 Vict. c. 4.] All the penalties and provisions of the Act passed in the 2 & 3 Will. 4, c. 4, "for more effectually preventing Embezzlements by Persons employed in the Public Service of his Majesty," shall extend and be applicable to constables and other persons employed in the police of any county, city, borough, district, or place whatsoever, in like manner as to any person employed in the public service of her Majesty within the meaning of that Act, and for all the purposes of the said Act the employment of constable or any other such employment in the police shall be deemed an employment in the public service of her Majesty.

26. Chief Constable empowered to suspend Constables.] The chief constable of any county police force, and the watch committee of any city, borough, district, or place, in and are hereby empowered, to suspend any constable, within their respective jurisdiction, whom he or they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and the said chief constable or watch committee is and are hereby also empowered, at his or their discretion, to fine any such constable in a sum of money not exceeding one week's pay, and to reduce the said constable from a superior to an inferior rank, such fine and reduction in rank to be in addition to any other punishment to which the said constable may be liable; and all punishment, penalties, and fines, such as above enumerated, heretofore imposed or inflicted under rules framed under and by virtue of a 3 of the 2 & 3 Vict. c. 93, shall be deemed to have been legally imposed or inflicted.

27. Inspectors under 19 & 20 Vict. c. 69, still entitled to Half Pay.] The office or employment of inspector under the Act of the 19 & 20 Vict. c. 69, shall not prevent the holder thereof from receiving any half pay to which he did not hold such office or employment he might be or become entitled.

28. Repeal of parts of 3 & 4 Vict. c. 69, as to Local Constables.] That ss. 16, 17, & 18 of the 3 & 4 Vict. c. 69, be repealed as far as relates to local constables; provided that the power of justices of the county in general or quarter sessions assembled, subject to the approval of one of her Majesty's principal secretaries of state, to settle tables of fees and allowances, shall be retained as far as relates to the county constabulary.

## CAP. XXXIII.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

[18th August, 1855.]

## CAP. XXXIV.

An Act to continue the Powers of the Commissioners under an Act of the Nineteenth and Twentieth Years of Her Majesty, concerning the University of Cambridge and the College of King Henry the Sixth at Eton.

[13th August, 1855.]

WHEREAS the Act 19 & 20 Vict. c. 88, was passed "to make further provision for the good government and extension of the University of Cambridge, of the colleges therein, and of the college of King Henry VI. at Eton:" And whereas by the said Act it was provided, that the powers thereby conferred on the commissioners for the purposes of that Act should be in force until the 1st of January, 1860, and that it should be lawful for her Majesty, with the advice of her Privy Council, to continue the same until the 1st of January, 1860, or no longer: And whereas her Majesty, with the advice of her Privy Council, has continued the said powers until the 1st of January, 1860: And whereas it is expedient that the said powers should be further continued: Be it enacted &c. as follows:

1. Power of the Commissioners continued until the 1st of January, 1861.] The powers conferred on the said commissioners by the said Act shall continue until the 1st of January, 1861, and all powers which under the said Act might have been exercised by colleges or other bodies or persons during the continuance of the powers of the said commissioners shall continue and may be exercised until the said 1st of January, 1861.

2. Repeal of the University Statutes of Queen Elizabeth proposed to 1st January, 1861.] The statutes made by Queen Elizabeth for the government and regulation of the said university, which by s. 41 of the said Act would be repealed after the 1st of January, 1860, or such or so much of them of any of them as shall be superseded by any statute made









1. The term "mortgage" shall be taken to include every instrument by virtue of which land is in any manner conveyed, assigned, pledged, or charged as security for the repayment of money or money's worth lent, and to be recovered, reassign, or released on satisfaction of the debt; and

The term "mortgagee" shall be taken to include every person by whom any such conveyance, assignment, pledge, or charge is made, and shall be taken to include every person to whom or in whose favour any such conveyance, assignment, pledge, or charge as aforesaid is made or transferred;

The term "judgment" shall be taken to include registered decrees, orders of courts of equity and bankruptcy, and other orders having the operation of judgments.

#### Trustees and Executors

26. *Trustees and Executors.* [Added by Act No. 18, 1889.]

27. *Liability of Trustees and Administrators in respect of Rents, Covenants, or Agreements.* Where an executor or administrator is liable as such to the rents, covenants, or agreements contained in any lease or agreement for a lease, granted or assigned to the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said lease or agreement for a lease as may have accrued due and been claimed up to the time of the assignment hereafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained annuity or annuities or of the lease to be paid, upon the property devised or agreed to be devised, although the period for paying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased to and amongst the parties entitled thereto respectively, without appropriating any part, on any further claim (such claim may be) of the personal estate of the deceased to meet any future liability under the said lease or agreement for a lease, and the executor and administrator or distributing the residuary estate shall, before having assigned the said lease or agreement for a lease, and during the period necessary to set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim, under the said lease or agreement for a lease, but nothing therein contained shall prejudice the right of the lesser or those claiming under him to follow the assets of the deceased into the hands of the persons or persons to or amongst whom the said assets may have been distributed.

28. *Liability of Executors, in respect of Rents, Covenants, or Agreements.* [Added by Act No. 18, 1889.]

29. *Liability of Executors, in respect of Rents, Covenants, or Agreements.* Where an executor or administrator is liable as such to the rents, covenants, or agreements contained in any lease or agreement for a lease, granted or assigned to the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said lease or agreement for a lease as may have accrued due and been claimed up to the time of the assignment hereafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained annuity or annuities or of the lease to be paid, upon the property devised or agreed to be devised, although the period for paying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased to and amongst the parties entitled thereto respectively, without appropriating any part, on any further claim (such claim may be) of the personal estate of the deceased to meet any future liability under the said lease or agreement for a lease, and the executor and administrator or distributing the residuary estate shall, before having assigned the said lease or agreement for a lease, and during the period necessary to set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim, under the said lease or agreement for a lease, but nothing therein contained shall prejudice the right of the lesser or those claiming under him to follow the assets of the deceased into the hands of the persons or persons to or amongst whom the said assets may have been distributed.

30. *Liability of Executors, in respect of Rents, Covenants, or Agreements.* [Added by Act No. 18, 1889.]

31. *Every Trust Instrument to be deemed to contain Clauses for the Indemnity and Reimbursement of the Trustees.* Every deed, will, or other instrument creating a trust either expressly or by implication shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say: "that the trustees or trustee for the time being of the said deed, will, or other instrument, shall be respectively chargeable only for such moneys, stocks, funds, and securities as they shall respectively actually receive for the discharge of their respective trusts, and accept in the name of conformity, and shall be indemnified and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own willful default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the said deed, will, or other instrument, to reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will, or other instrument."

respectively, without appropriating any part or any further part (as the case may be) of the personal estate of the deceased to meet any future liability under the said conveyance or agreement for a conveyance; and the executor or administrator so distributing the residuary estate shall not, after having made or executed such conveyance or assignment, and having, where necessary, set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim under the said conveyance or agreement for a conveyance; but nothing therein contained shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or amongst whom the said assets may have been distributed.

29. *As to Distribution of the Assets of Testator or Intestate after Notice given by Executor or Administrator.* Where an executor or administrator shall have given such of the like notices as in the opinion of the Court in which such executor or administrator is sought to be charged would have been given by the Court of Chancery in an administration suit, for creditors and others to send in to the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices or the last of the said notices for sending in such claims; be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person of whose claim such executor or administrator shall not have had notice at the time of distribution of the said assets or a part thereof, as the case may be; but nothing in the present Act contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, into the hands of the person or persons who may have received the same respectively.

30. *Liability of Executors, in respect of Rents, Covenants, or Agreements.* Where an executor or administrator is liable as such to the rents, covenants, or agreements contained in any lease or agreement for a lease, granted or assigned to the testator or intestate whose estate is being administered, shall have satisfied all such liabilities under the said lease or agreement for a lease as may have accrued due and been claimed up to the time of the assignment hereafter mentioned, and shall have set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained annuity or annuities or of the lease to be paid, upon the property devised or agreed to be devised, although the period for paying out the same may not have arrived, and shall have assigned the lease or agreement for a lease to a purchaser thereof, he shall be at liberty to distribute the residuary personal estate of the deceased to and amongst the parties entitled thereto respectively, without appropriating any part, on any further claim (such claim may be) of the personal estate of the deceased to meet any future liability under the said lease or agreement for a lease, and the executor and administrator or distributing the residuary estate shall, before having assigned the said lease or agreement for a lease, and during the period necessary to set apart such sufficient fund as aforesaid, be personally liable in respect of any subsequent claim, under the said lease or agreement for a lease, but nothing therein contained shall prejudice the right of the lesser or those claiming under him to follow the assets of the deceased into the hands of the persons or persons to or amongst whom the said assets may have been distributed.

31. *Every Trust Instrument to be deemed to contain Clauses for the Indemnity and Reimbursement of the Trustees.* Every deed, will, or other instrument creating a trust either expressly or by implication shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say: "that the trustees or trustee for the time being of the said deed, will, or other instrument, shall be respectively chargeable only for such moneys, stocks, funds, and securities as they shall respectively actually receive for the discharge of their respective trusts, and accept in the name of conformity, and shall be indemnified and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own willful default respectively; and also that it shall be lawful for the trustees or trustee for the time being of the said deed, will, or other instrument, to reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said deed, will, or other instrument."



32. *As to Investments by Trustees.*] When a trustee, executor, or administrator shall not, by some instruments creating his trust, be expressly forbidden to invest any trust fund on real securities, in any part of the United Kingdom, or on the stock of the Bank of England or Ireland, or on East India Stock, it shall be lawful for such trustee, executor, or administrator to invest such trust fund on such securities or stock; and he shall not be liable on that account as for a breach of trust, provided that such investment shall in other respects be reasonable and proper.

*Extent of Act.*

33. *Act not to extend to Scotland.*] This Act shall not extend to Scotland.

CAP. XXXVI.

*An Act to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, to repeal the Stamp Duties on Licences to exercise the Faculty of Physic, and to amend the Laws relating to Hawkers and Pedlars.* [13th August, 1859.

BE it enacted &c. as follows:—

1. *Graduated Scales of Stamp Duties on Probates, &c., contained on Property above the Value of £1,000,000.*] Whereas certain stamp duties contained in the schedule to the Act passed in the 55th year of Geo. 3, c. 184, are now payable upon probates of wills and letters of administration in England and Ireland, and upon inventories to be exhibited and recorded in any commissary court in Scotland, and are imposed by certain graduated scales according to the value of the estate and effects for or in respect of which such probate or letters of administration are granted, or whereof such inventory is exhibited or recorded, but such graduated scales of duty cease where such value amounts to £1,000,000 and upwards; and it is expedient to extend and continue such graduation of duty as hereinafter mentioned:— Be it enacted, that in lieu of the said stamp duties upon such probates and letters of administration and inventories respectively, where such value as aforesaid shall amount to £1,000,000 or upwards, there shall be charged and paid the following duties respectively; that is to say,

For every £100,000 of the whole value of such estate and effects, and any fractional part of £100,000,

Where the deceased shall have left any will or testament or testamentary disposition of his personal or moveable estate and effects, the stamp duty of £1,500;

And where the deceased shall not have left any such will or testament or testamentary disposition, the stamp duty of £2,950.

2. *The Stamp Duty on Licences to exercise the Faculty of Physic repealed.*] The stamp of £15 for and in respect of the admission or license of any person by the College of Physicians in England or Scotland to exercise the faculty of physic, or practise as a licentiate, granted by the said Act passed in the 55th Geo. 3, c. 184, and the like duty now payable in Ireland by and under an Act passed in the 5th & 6th Vict., to assimilate the stamp duties in Great Britain and Ireland, shall from and after the passing of this Act be and the same are hereby repealed.

3. *Nothing in 50 Geo. 3, c. 41, or 55 Geo. 3, c. 71, to hinder Maker of Goods or his Children, &c., from carrying abroad or exposing to sale such Goods.*] And whereas an Act was passed in the 50 Geo. 3, c. 41, intitled "An Act for placing the Duties of Hawkers and Pedlars under the Management of the Commissioners of Hackney Coaches," by which certain rates and duties (now under the care and management of the commissioners of inland revenue) are required to be paid by every hawker, pedlar, petty chapman, and other trading person going from town to town or to other men's houses in England, Wales, or Berwick-upon-Tweed; and every such person is thereby required to take out a license as therein mentioned; and it is by the said Act provided, that nothing therein contained shall extend to hinder the real worker or workers, maker or makers, of any goods, wares, or manufactures of Great Britain, or his, her, or their children, apprentices, or known agents or servants, usually residing with such real workers or makers only, from carrying abroad or exposing to sale and selling by retail or otherwise any of the said goods, wares, or manufactures of his, her, or their own making, in any mart, market, or fair, in every city, borough, town corporate, and market town: And whereas by an Act passed in the 55 Geo. 3, c. 71, to regulate hawkers and pedlars in Scotland, licenses chargeable with certain duties (now likewise under the care and management of the said commissioners) are required to be taken out by every such trading person in Scotland, with a similar proviso: Be it also enacted, that nothing in the said two last-mentioned Acts

respectively shall extend to hinder any such real worker or maker, or his children, apprentices, or known agents or servants aforesaid, from carrying abroad or exposing to sale any of the said goods, wares, or manufactures of his own making, at any place whatever in Great Britain.

4. *Power to Justices, on Conviction of a Hawker, to mitigate the Penalty to One-fourth.*] Where any person shall be convicted of an offence under either of the aforesaid Acts relating to hawkers and pedlars, whereby a pecuniary penalty has become forfeited, it shall be lawful for the justice of the peace, or other person before whom the information or complaint is heard, and he is hereby authorised and empowered, if he shall think fit so to do, to mitigate the penalty to any sum not less than one-fourth part thereof, over and above the necessary costs of the proceedings to be allowed by him.

CAP. XXXVII.

*An Act for the Amendment of the Laws relating to the Customs.* [13th August, 1859.

CAP. XXXVIII.

*An Act further to amend the Laws relating to the Militia.* [13th August, 1859.

CAP. XXXIX.

*An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India.* [13th August, 1859.

CAP. XL.

*An Act for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same.* [13th August, 1859.

CAP. XLI.

*An Act to amend the Act for the better Government of India.* [13th August, 1859.

CAP. XLII.

*An Act to provide for the Establishment of a Reserve Force of Men who have been in Her Majesty's Service.* [13th August, 1859.

CAP. XLIII.

*An Act to amend and extend the Provisions of the Acts for the Inclosure, Exchange, and Improvement of Land.* [13th August, 1859.

WHEREAS it is expedient to amend and extend the provisions of the Acts for the inclosure, exchange, and improvement of land: Be it enacted &c. as follows:—

1. *Provisional Order to specify what Rights are reserved as to Mines, &c.*] On any inclosure where the mines, minerals, stone, or other substrata under the land, to be inclosed, shall be excepted or reserved to the lord of the manor or any other person, the provisional order to be made by the Inclosure Commissioners for England and Wales shall (in addition to the other matters to be specified therein under the said Acts) specify whether or not a right to enter the lands when inclosed for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata, is to be reserved to such lord or other person, and whether or not any compensation is to be made by the persons exercising such last-mentioned right for any damage to the surface which may thereby be done, and if not, then, whether or not any such other provision for compensation of such damage as hereinafter mentioned, is to be made.

2. *Provision as to Surface Damage.*] For the purpose of providing for compensation for any such damage as aforesaid, it shall be lawful for the lord of the manor or other the person entitled to such mines, minerals, stone, or other substrata as aforesaid, and for the other persons interested in the land, proposed to be inclosed, or such proportion of the persons so interested as by the 27th section of the Act of 8 & 9 Vict. c. 118, are required to consent to an inclosure before the inclosure commissioners can in any annual general report certify their opinion that the proposed inclosure would be expedient, to agree as to the mode in which compensation for surface damage from such entry, and opening, working or winning, shall be made to the individual owners whose allotments may be so damaged, whether wholly by the lord or such other person entitled to the mines, minerals, stone, or other substrata as aforesaid, or wholly by the owners of allotments (including the lord or such other person) collectively, or partly by the lord or such other person and partly by the other owners of allotments collectively; and such agreement, when made, shall, if allowed by the inclosure commissioners, be stated to the

valued as part of his instructions, and its terms shall be embodied by him in his report and in his award of which it shall form part.

3. *Power to work Mines, &c.* In every case in which the right and interest in all or any mines, minerals, stone, and other substrata are reserved by any provisional order to be made after the passing of this Act to the lord of the manor, or such other person entitled to the soil of the land inclosed as aforesaid, and with a further reservation to the lord, or to such other person, of a right to enter the lands when inclosed, and work such mines, minerals, stone, and other substrata, it shall be lawful for the lord, his heirs and assigns, or for such other person entitled to the soil as aforesaid, his heirs and assigns, at any and at all times and times thereafter, by himself or themselves, or his or their tenants, agents, or servants, and with or without horses or other animals, or carriages, and materials of all kinds, to enter upon the said lands or any part thereof, and to break the surface thereof, and search for, win, work, take, and carry away the said mines, minerals, stone, and other substrata, or any of them, and for that purpose to dig, sink, drive, and make pits, shafts, drifts, headways, levels, adits, argates, watercourses, soughs, trenches, buddles, fences, and sluices, and to erect, build, and make pumps, engines, furnaces, smelting houses, stamping mills, ore and store-houses, sheds, hovels, and stables, and other erections, and to do all other things necessary or convenient, as well for working the said mines, as for refining the metals and minerals, hewing and working the stone and other substrata, and removing all the water, slag, and rubbish from the works, and for the accommodation of the persons employed therein, and to occupy such part of the said land as shall be convenient and sufficient for laying, ordering, and dressing the ores, minerals, metals, stone, and other substrata, and, if judged necessary, to alter the course of streams, and to maintain, repair, and use any railroads or other roads for any of the purposes aforesaid, and generally to do all other things necessary or convenient for the sinking, winning, working, and carrying away the said mines, minerals, stone, and other substrata, and for refining the metals and minerals, and hewing and working the stone and other substrata, thereby produced.

4. *How Damages to be assessed.* In case it shall be provided that the whole or any part of such compensation as aforesaid shall be made by the owners of allotments collectively, either including or not including the lord or such other person as aforesaid, then all such damage as may at any time and from time to time be done to any allotment by any of the means aforesaid shall be assessed and raised as follows: (that is to say) it shall be lawful for any person who may sustain any such damage as aforesaid to give information thereof to any two or more justices of the peace for the county or riding or other division or place within which the lands which shall have been inclosed, or the greater part thereof shall be situate (ten days previous notice of such intended information having been fixed on the church door of the parish or other ecclesiastical district); and such justices shall and are hereby empowered to examine and inquire into such complaint in a summary way, and by examination of witnesses upon oath, or by such other evidence as they shall think proper; and such justices shall determine the amount of such damage, and order the payment thereof to the party damaged by the persons and in the manner hereinafter expressed.

5. *Payment of Damages.* Every sum of money to be paid in satisfaction of such damages, and the reasonable charges of giving and prosecuting such information (to be settled by the said justices), shall be borne and paid by the owners for the time being of all the allotments on whom it shall by the award have been imposed, or their tenants, including the owner of the allotment damaged, or his tenant, by a rate to be assessed upon them in respect of their allotments or their shares therein by such justices according to the respective yearly values thereof which shall be ascertained in manner hereinafter in this behalf directed or referred to.

6. *To be served by Distress.* In case any person who shall be charged to such rate as aforesaid shall refuse or neglect to pay the same within a time to be limited by the said justices, to the person for the time being entitled to such payment, then any two or more justices of such county or riding, or other district or place as aforesaid, shall, by warrant under their hands and seals, cause the same to be levied by distress, and in case any occupying tenant of any hereditaments constituting or being part of any of the said allotments shall pay any part of such rate as aforesaid, every such occupier shall be at liberty to deduct the same out of his next rent, and his landlord shall allow

such deduction, unless there shall be some provision to the contrary in the lease or agreement under which such hereditaments are held by such occupier.

7. *Annual Value of Allotments to be stated in award.* In every case to which the provisions of this Act shall be applicable, the valuer acting in the matter of the inclosure shall by his award ascertain and determine the proportionate shares of any such rate as aforesaid to be paid in respect of each of the allotments to be set out under the inclosure, and the average annual value per acre of each allotment at the time of making his award, and such average annual value shall thereafter be taken to be the yearly value per acre of such allotment for the purpose of the assessment of the same to the rate by this Act imposed thereon in the cases herein before provided for.

8. *Herbage may be let.* Where instructions shall be given to the valuer to let the herbage of any land to be inclosed, the same shall, at any time after the rights of sheepwalk, common, or other rights have been extinguished, or the exercise thereof suspended, be let by the valuer for such time and in such manner and subject to such conditions as he, with the approbation of the inclosure commissioner, shall think right; and any person taking such herbage shall hold the same as tenant to the valuer, and all moneys received by way of rent shall be applied in and towards payment of the expenses of the inclosure.

9. *Part of money of land sold may be expended.* Where the sale of any land proposed to be inclosed, not exceeding fifty acres, shall have been authorised by the commissioners, under the provisions of the said Acts, the surplus of the purchase-money may be either appropriated as provided by the said Acts, or a majority in number and interest of the persons interested therein may, at a meeting to be convened by the commissioners for the purpose, resolve that such surplus shall be apportioned, and thereupon the same shall be dealt with in such and the same manner as if the same were money received under "The Lands Clauses Consolidation Act 1845" and paid into the Bank of England to the credit of an account to be named by the Commissioners, under the Act passed in 17 & 18 Vict. c. 98.

10. *Leases need not join in Application for Partition.* In partitions it shall not be necessary that any leasee, being a person jointly interested within the provisions of the said Acts in any land or other subject matter of partition, should join in the application to the commissioners; and whenever any land or other subject matter of such partition shall be held by one entire rent, the order of partition shall apportion the rent to be paid to each of the persons to whom any part of the same may be allotted in severalty; and after the termination of such order all rents and services due and owing by the leasee shall be paid and payable to the person to whom the subject matter of partition shall be paid and payable to the person to whom the same shall be allotted in severalty: Provided always, that each leasee shall not have the power of giving notice of dissent, under the provisions of the said Acts.

11. *In Partitions Dissent not to apply to certain Cases.* Notwithstanding anything therein contained, the provisions of the said Acts as to notice of dissent shall not apply to partitions in which the application is made by two-thirds in value of the persons interested in the land or other subject matter of partition.

12. *Where Patronage vested in the Crown, who to be deemed Patron.* Whenever the patronage of any benefice to which the provisions of the said Acts are applicable shall be vested in her Majesty, the Lord High Treasurer, or First Lord Commissioner of the Treasury for the time being, where the value of such benefice is above the yearly value of £20 in the King's books, and where such value is of or below the yearly value of £20 in the King's books the Lord Chancellor, or Lord Keeper, or First Lord Commissioner of the Great Seal for the time being, shall for the purposes of the said Acts be substituted instead of the patron: Provided nevertheless that if such patronage is vested in her Majesty in right of the Duchy of Lancaster the Chancellor for the time being of such duchy shall for the purposes of the said Acts be substituted instead of the patron.

13. *Patronage at Rackrent.* Whenever a valuer acting in the matter of any inclosure shall have directed the allotments to be entered upon by the persons respectively for whom the same shall be intended, all leases, agreements, and tenancies at rackrent subsisting of any part of the land to be inclosed or exchanged under the award of the valuer, or any common right thereon, shall, so far only as respects the land to be divided, allotted, or exchanged, or common right, remain and be



void, at such time or times as the valuer shall by writing under his hand direct or appoint, although the lessees or landlords may not have made and paid such satisfaction to the respective lessees or tenants as is by the said Acts provided: Provided always, that interest at the rate of £5 per centum per annum shall be payable from the day on which such tenancies shall cease to the day of payment, on the sum which has been or shall thereafter be ascertained to be due to such lessees or tenants, and shall, with the amount ascertained to be due as aforesaid, be recoverable from the person liable to pay the same in the same manner as penalties and forfeitures are recoverable under the said Acts.

14. *Annexation of Map to an Inclosure Award may be dispensed with.* Where by reason of the size of the map, or other circumstances the Commissioners shall be of opinion that it is not expedient that the valuer should annex to the engrossment of any inclosure award the map required by the said Acts to be annexed thereto, they may, if they shall see fit, in lieu of such annexation, certify under their hands and seal that the map not so annexed is the map referred to in the award, to which the same applies, and thereupon every map having such certificate shall have the same force and effect and be referred to as if the same were annexed to the said award.

15. *Act deemed Part of "The Acts for the Inclosure, &c., of Land."* This Act shall be taken to be part of the said Acts, and shall be construed therewith, and be deemed to be included under any reference to "The Acts for the Inclosure, Exchange, and Improvement of Land."

## CAP. XLIV.

*An Act to continue the Act for the Exemption of Stock in Trade from Rating.* [13th August, 1859.]

## CAP. XLV.

*An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England.* [13th August, 1859.]

WHEREAS an Act was passed in the session holden in 10 & 11 Vict., intitled "An Act to amend the Law as to Ecclesiastical Jurisdiction in England," by which it was enacted, that certain of the provisions therein contained should continue until the 1st of August, 1848, and, if Parliament were then sitting, until the end of the then session of Parliament: And whereas such of the said provisions as relate to matters testamentary and the administration of the personal estates of intestates have been repealed; and such of the said provisions as have not been so repealed have been continued under sundry Acts, and ultimately by an Act of 21 & 22 Vict. c. 50, until the 1st of August, 1859, and to the end of the then next session of Parliament: And whereas it is expedient that the said provisions which have not been repealed should be further continued: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that such of the said provisions of the said Act of the 10 & 11 Vict. as were continued by the said Act of the 21 & 22 Vict. shall continue in force till the 1st of August, 1862, and to the end of the then next session of Parliament.

## CAP. XLVI.

*An Act to continue and amend the Act concerning the Management of Episcopal and Capitular Estates in England.* [13th August, 1859.]

WHEREAS an Act was passed in the session holden in the 14 & 15 Vict. c. 104, "to facilitate the Management and Improvement of Episcopal and Capitular Estates in England," which Act was limited in duration to three years from the end of the then session of Parliament; and by the Act of the session holden in the 17 & 18 Vict. c. 116, the said Act of the 14 & 15 Vict. was amended, and, as so amended, has, by the last-mentioned and other Acts, and ultimately by an Act of the session holden in the 20 & 21 Vict. c. 74, been further continued until the 1st of January, 1860, and until the end of the then next session of Parliament: And whereas it is expedient that said Act of the 14 & 15 Vict., as amended as aforesaid, should be further continued: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Two Commissioners may execute Deeds.* All such acts and deeds as are now by law required to be done or executed by the Church Estates Commissioners, under the authority of this Act or the Acts hereby affected, may be done or executed by any two of such Church Estates Commissioners.

2. *Evidence of Appointment of Church Estates Commissioners.* The publication in the London Gazette of the notice of the appointment of any Church Estates Commissioners shall at all times and for all purposes be full and sufficient evidence of the fact of such appointment.

3. 14 & 15 Vict. c. 104, as amended by 17 & 18 Vict. c. 116, continued.] The said Act of the 14 & 15 Vict., as amended by the said Act of the 17 & 18 Vict., shall continue in force until the 1st of January, 1861, and until the end of the then next session of Parliament.

*An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of England and Wales.* [13th August, 1859.]

*An Act to continue the Corrupt Practices Prevention Act, 1854.* [13th August, 1859.]

*An Act to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts.* [13th August, 1859.]

WHEREAS it is expedient to define and limit the period during which any debt hereafter incurred by guardians of unions or parishes or by district boards of management in the administration of the laws for the relief of the poor may be paid, and to make provision in respect of debts heretofore lawfully incurred by them for payment of the same: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *When Debts in future are to be paid. Power to the Poor Law Board to extend the time.* With respect to any debt, claim, or demand, which may, after the passing of this Act, be lawfully incurred by or become due from the guardians of any union or parish, or the board of management of any school or asylum district, such debt, claim, or demand, shall be paid within the half-year in which the same shall have been incurred or become due, or within three months after the expiration of such half-year, but not afterwards; the commencement of such half-year to be reckoned from the time when the last half-year's account shall or ought to have been closed according to the order of the poor law commissioners or poor law board. Provided that the poor law board, by their order, may, if they see fit, extend the time within which such payment shall be made for a period not exceeding twelve months after the date of such debt, claim, or demand.

2. *As to Payment of Debts incurred before the passing of this Act.* With respect to any debt, claim, or demand which may have been lawfully incurred by any such guardians or board of management or on their account before the passing of this Act, they may, if they think proper, pay within twelve months after the passing of this Act, out of the funds in their possession, any such debt, claim, or demand which may have been so incurred or have become due within two years before the date of this Act; and may, within the said period of twelve months, make provision for the payment of any debt, claim, or demand lawfully incurred as aforesaid which shall have become due from them at some time beyond two years but not beyond six years from such date in full at once, or by equal annual instalments not exceeding five, if the poor law board, after open and public investigation, during which counsel or solicitors may appear and witnesses may be examined on both sides, when the same shall be required by any ratepayer of the union, parish, or district, shall be satisfied that no fraud, collusion, or neglect of the general rules of the poor law board respecting the contraction or discharge of such debt, claim, or demand have been committed by the party to whom such claim or demand is alleged to be due, and that such party has not been accessory to any fraud on such guardians or board of management, and shall give their consent in manner aforesaid to such payment; and



such guardians or board respectively shall charge every such payment to the account to which the same should have been charged if the payment had been made in due time; and the president or secretary of the poor law board shall, within one calendar month after the expiration of such period of twelve months as aforesaid, if Parliament be then sitting, or if not, then within one calendar month after the next meeting thereof, lay or cause to be laid before both Houses of Parliament a return of all such payments as shall have been made, or authorised under the power lastly herein-before contained.

3. *Provision for Charges on the Rates.* Where any sum shall have been or shall be borrowed by any guardians or managers, and the debt shall have been or shall be charged by the said guardians upon the poor rates, under the authority of any statute, and the same shall be made payable on a day certain, the time of limitation prescribed by this Act for payment of debts shall commence on that day; where it shall not have been made payable on any day certain, then on the expiration of twelve months from the day when the money was advanced; and in the case of any debt repayable by instalments each instalment shall be payable within one year next after the day when the same shall fall due, unless the said board shall in any of the cases provided for in this section allow an extension of the time for the payment not exceeding six months; and the interest payable in every case hereby provided for shall be payable within the like times only as the principal.

4. *Provision for Actions against Guardians or Managers.* If any person claiming any debt or demand shall have commenced or shall hereafter commence proceedings in any court of law or equity, or before any justice or other competent authority within the time herein-before limited, or within the time to which the poor law board may grant extension, and shall with due diligence prosecute such proceedings to judgment or other final settlement of the question; such judgment shall be satisfied by the guardians or managers against whom or against whose officer the same may be brought, notwithstanding that such judgment may be recovered, or such final settlement arrived at after the expiration of the period herein-before provided, and all proceedings taken by mandamus or otherwise for the enforcing of such judgment without delay shall be deemed to be within the operation of this section.

5. *Payment of Attorneys Bills, Delay of.* Where the guardians or managers shall be engaged in a suit, action, or proceedings in any court, they shall not be required by any rule of law or provision herein contained, to pay the bill of costs of any solicitor or attorney retained by them for the purpose thereof, until the final determination of such suit or proceeding, or until he shall cease to be so retained by or for them therein; but the bill of costs of such solicitor or attorney shall be duly taxed and paid within the term of one year next after such final determination of the said suit, proceeding, or retainer, and not afterwards, unless the Poor Law Board shall authorise an extension of time not exceeding six months; provided that, if the said solicitor or attorney take proceedings for the recovery of his bill within such time, or the extension thereof, he shall, in such case, have the same right to be paid as in sect. 4; provided also, that nothing herein contained shall prevent the guardians or managers from paying money at any time on account of the suit or proceeding.

6. *No Call or Order to be invalidated.* No call or order for contribution made by any guardians, nor any poor rate made to meet such call or order, shall be deemed to be illegal on the ground that the same is made to provide for any debt, claim, or demand, the payment whereof is authorised by this Act, or on the ground that the said call or order for contribution includes a balance due from any parish or parishes at the time when the half-yearly accounts are made up and balanced as aforesaid; Provided always, that when the fund out of which any such debt, claim, or demand should have been discharged shall have been already paid by any parish to the board of guardians of any union, and shall not have been applied for that purpose, any funds which may be required to be again contributed to discharge such debt, claim, or demand shall be levied on each parish in the union in proportion to the rateable value of each such parish.

7. *Interpretation of Terms.* The words used in this Act shall be construed in like manner as the same words are directed to be construed by the Act of 4 & 5 Will. 4, c. 76, or any subsequent Act amending or explaining the same.

## CAP. L.

*An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.*

[13th August, 1859.]

## CAP. LI.

*An Act to continue certain Turnpike Acts in Great Britain.*

[13th August, 1859.]

## CAP. LII.

*An Act to amend the Laws relating to the Police District of Dublin Metropolis.*

[13th August, 1859.]

WHEREAS by an Act passed in the 6 & 7 Will. 4, c. 29, it was enacted, that it should be lawful for the Lord Lieutenant or other chief governor or governors of Ireland to appoint two fit persons as justices of the peace for and of the police district of Dublin metropolis, to execute such duties as are in the said Act specified or referred to, and the said Act also empowered the said Lord Lieutenant to direct that an annual salary not exceeding the sum of £800 should be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to each of the justices to be so appointed; and by the said Act the Commissioners of the Treasury were empowered to appoint a person to receive all sums of money applicable to the purposes of the said Act, and to allow to him such yearly salary as therein mentioned; and the duties of such receiver were in the said Act particularly set forth: And whereas by several subsequent Acts the duties and powers of the justices appointed under the said first-recited Act, and which justices are in such subsequent Acts denominated commissioners of police for the said district, have been extended and defined; and the office of secretary to the said commissioners is recognised, and certain notices are directed to be served upon him: And whereas by an Act passed in the 17 & 18 Vict. c. 94, the charge of the salaries of the said justices or commissioners has been removed from the Consolidated Fund of the United Kingdom, and the said salaries are now annually provided for by Parliament: And whereas by an Act passed in 1 Vict. c. 25, power was given to the Lord Lieutenant or other chief governor or governors of Ireland to divide the police district of Dublin metropolis into any number not exceeding four divisions, and to define and declare the limits thereof accordingly, and to establish public offices therein, one in each such division, and to attach to each such office any number not exceeding three divisional justices; and it was thereby further enacted, that whenever the number of divisional justices at any public office in the said district should not exceed two, or the number of offices be reduced below four, it should be lawful for the said Lord Lieutenant or other chief governor or governors to increase the salary of each divisional justice at the said office, or in case of the reduction of the number of offices at the remaining offices, to any sum not exceeding £600 by the year, to be charged on the funds applicable to the maintenance of the said police: And whereas by another Act passed in the 3 & 4 Vict. c. 103, it was enacted, that it should be lawful for the Lord Lieutenant or other chief governor or governors of Ireland, by and with the advice and consent of her Majesty's Privy Council in Ireland, to establish in any one or more of the divisions of the said district such number of public offices as should to him or them, with the advice and consent aforesaid, appear necessary: And whereas, in pursuance of the said recited Acts, the divisions of the said district have been reduced to three, and in one of such divisions two public offices are established, one in the city of Dublin, and the other in the town of Kingstown, and in the said last-mentioned office justice is administered by one of the justices of the division to which the same belongs: And whereas it is expedient that instead of two commissioners of police there should be one commissioner and one assistant commissioner of police for the said district of Dublin metropolis, and that provision should be made for consolidating the offices of receiver of the said police district, secretary to the said commissioners, and supervisor of taxes of the said district, and that provision should be made for consolidating the divisions of the said district, and administering justice at one or more police courts in the said districts, without reference to such divisions: Be it therefore enacted &c. as follows:—

1. *Interpretation of Terms.* In the interpretation of this Act, the words "lord lieutenant" shall mean lord lieutenant or other chief governor or governors of Ireland; "commissioners of police" and "receiver" shall mean respectively the justices of the peace and the receiver, appointed under the first hereinbefore recited Act; "justices" shall mean "divisional justices," or justices appointed to administer justice at the police office or police courts of the police district of Dublin metropolis.

2. *When the Office of Commissioner of Police is vacant, Lord Lieutenant may appoint an Assistant Commissioner.* Whenever a vacancy shall occur in the office of Commissioner of Police, it shall be lawful for the Lord Lieutenant, if he shall so think fit, to appoint an assistant commissioner to act with the remaining commissioner, and from time to time, to appoint successors to such commissioner and assistant commissioner; and such assistant commissioner shall take the oath required to be taken by the commissioners of police, and shall thereupon, with the remaining commissioner, who shall be styled henceforward "the Chief Commissioner," possess and be subject to all the powers, duties, and provisions of or affecting the commissioners of police, but subject to the provisions hereinafter contained.

3. *Salaries to be paid after such Vacancy shall take place.* The salary of the chief commissioner of police shall from and after the occurrence of such vacancy be £1,000 by the year, and the salary of such assistant commissioner when so appointed as aforesaid shall be £600 by the year, and the salaries of the said commissioners, or chief commissioner and assistant commissioner, as the case may be, shall from and after the passing of this Act be payable out of such moneys as shall be annually provided by Parliament for the purpose.

4. *One Commissioner to act in certain Cases.* Anything authorised to be done by the commissioners by any Act herein reitited or by any other Act may be done by either of the commissioners now holding office, and after the commissioners shall have become chief commissioner and assistant commissioner, as herein provided, may be done by the chief commissioner alone, or in his absence by the assistant commissioner alone; provided that to establish the validity of any act or thing done by the assistant commissioner it shall not be necessary to prove the absence of the chief commissioner.

5. *When the Offices of Receiver, Secretary, and Supervisor be vacant, Lord Lieutenant may appoint one Person to hold the said Offices.* Whenever the offices of receiver, secretary to the commissioners of police, and supervisor of taxes, or any of them, shall be vacant, it shall be lawful for the Lord Lieutenant, with the consent of the Commissioners of the Treasury, to appoint one and the same person to hold the said offices, or such of them as shall be vacant; and it shall be lawful for the Commissioners of the Treasury to assign to the person to be appointed to the said offices an annual salary not exceeding £300.

6. *Offices may be consolidated if no Vacancy have occurred, and Compensation granted for Loss of Office.* If the Commissioners of the Treasury shall be of opinion that it would be for the advantage of the public service that the said offices should be so consolidated as aforesaid, notwithstanding that no such vacancy shall have occurred, it shall be lawful for the Commissioners of the Treasury, on the recommendation of the Lord Lieutenant, to carry into effect such consolidation, and to grant to the holders of the said offices of receiver, secretary, and supervisor, such pension or annuity, by way of compensation for the loss thereof, as to them may appear just, not exceeding two-thirds of the respective salaries of the said receiver, secretary, or supervisor, when the holders of the said offices shall have served for a period of less than twenty years, and an annual sum not exceeding the whole of the salary when such service shall have exceeded the said period of twenty years.

7. *When Consolidation of Offices shall include Receiver, that Office to be styled the Accountant, and Property to be vested in him, &c.* Whenever the consolidation of the offices aforesaid shall include the office of receiver, the person to be appointed to the consolidated office shall be deemed and taken to be and shall be designated "the accountant" of the said commissioners of police; and all property belonging to, acquired, or purchased by the said receiver in his public capacity, and all moneys standing in his name in the books of the governor and company of the Bank of Ireland, and all cash balances in hand, shall be vested in the said accountant; and all proceedings of what kind soever, which if this Act had not been passed should have been taken or done by or in the name of any of the holders of the offices so consolidated shall thereupon be taken or done by or in the name of the said accountant as fully and effectually, to all intents and purposes, as if the word "accountant" had been used in the Act of Parliament, lease, contract, license, or other instrument, which authorised the taking or doing thereof, instead of the words "receiver," "secretary," or "supervisor," as

the case may be; and such accountant shall give to the said commissioners of police security for the due and faithful application of all moneys paid to him or lodged to his account under the provisions of the Acts relating to the Dublin police, in such manner and amount as shall be determined by the said commissioners, with the approval of the Commissioners of the Treasury.

8. *Lord Lieutenant may abolish Divisions of Police District and appoint such Number of Courts and Justices as he may think fit.* It shall be lawful for the Lord Lieutenant, if he shall so think fit, by and with the advice and consent of her Majesty's Privy Council in Ireland, to abolish the divisions of the said police district, and from time to time to order that there shall be for the whole of the said district such number of public offices or police courts for the administration of justice, to be held at such place or places as he shall by and with such advice and consent as aforesaid deem proper; and the Lord Lieutenant may, if he shall so think fit, reduce the number of justices for the said district.

9. *When Number of Justices reduced to Five, Lord Lieutenant may raise the Salary of Justices.* Whenever the number of justices of the said police districts shall not exceed five, it shall be lawful for the Lord Lieutenant, if he shall so think fit, to raise the salary of each of the said justices to any sum not exceeding £900 by the year, provided that the amount of such increased salaries shall not exceed the gross amount now authorised by law to be paid to all such justices respectively.

10. *Lord Lieutenant may direct daily Attendances at Police Courts.* It shall be lawful for the Lord Lieutenant to direct the regular daily attendance at the police courts of the said justices, or any of them, or of any of the other justices heretofore appointed or hereafter to be appointed, and to make from time to time such regulations in respect of the number of justices to attend each police court, and of the attendances thereof, or of any of such justices, and of the officers belonging to any of the police courts, as may be deemed expedient.

11. *One Justice may do any Act directed to be done by more than one Justice.* It shall be lawful for any one justice to sign and execute any warrant or other instrument, or to do alone as any of the said police courts, or at any place where for any special purpose he may by warrant under the hand of the said chief or under secretary be directed to attend and to act singly any act which by any law now in force, or by any law not containing an express enactment to the contrary, hereafter to be made, is or shall be directed to be signed, executed, or done by more than one justice.

12. *Compensation to Persons belonging to the Police Department whose Offices are abolished by this Act.* It shall be lawful for the Commissioners of the Treasury, on the recommendation of the Lord Lieutenant, to grant to any magistrate, clerk, or other person belonging to any of the offices of the police department whose office shall cease or become unnecessary or be abolished under this Act, and who shall not be reappointed or employed or retained in an office of equal value, such compensation or allowance, chargeable upon and payable out of any moneys provided by Parliament for the maintenance of the police of the said police district of Dublin metropolis, as under the circumstances of each case shall appear just: Provided always, that the payment of any such last-mentioned compensation or allowance shall altogether cease and be suspended while the person to whom such compensation or allowance shall be granted shall hold any office in any public department, the salary or profits of which shall be equal to or shall exceed the salary which was enjoyed by such person in such office so ceasing or becoming unnecessary or being abolished; and in case the salary or profits of the office to which such person shall be appointed shall be less than the salary which was enjoyed by such person in such office so ceasing or becoming unnecessary or being abolished, then only such amount of compensation or allowance shall be paid to him as shall, together with the salary and profits of such new office, be equal to the amount of the salary enjoyed by such person at the time of his office so ceasing or becoming unnecessary or being abolished as aforesaid.

13. *Act not to lessen, &c., Power of Justices.* Nothing in this Act contained shall lessen, take away, or abridge any power, jurisdiction, or authority now possessed by the said justices of the said district.

14. *Short Title.* This Act may be cited for all purposes as "the Dublin Police Act, 1859."



## CAP. LIII.

*An Act to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks.*

[13th August, 1859.]

## CAP. LIV.

*An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland, to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons, Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers.*

[13th August, 1859.]

## CAP. LV.

*An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1859, and to appropriate the Supplies granted in this Session of Parliament.*

[13th August, 1859.]

## CAP. LVI.

*An Act to amend the Act of the Fifth and Sixth Years of King William the Fourth, Chapter Thirty-three, relating to Weights and Measures.*

[13th August, 1859.]

WHEREAS it is expedient that the Act passed in the 5 & 6 Will. 4, c. 63, intituled "An Act to repeal an Act of the Fourth and Fifth Years of his present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof," should be amended: Be it therefore enacted &c. as follows:—

1. *Imperial Standards of Weights and Measures when to be adjusted.*—No model or copy of any of the imperial standards of weights shall be deemed legal, or used for the purpose of enforcing the provisions of this Act or the Act passed in the 5 & 6 Will. 4, c. 63, unless the same have been compared or re-verified by the Comptroller-General, or some other officer of the Exchequer duly authorised, within five years before the time when it is so used; and no model or copy of any of the imperial standards of measures shall be deemed legal or used for the purposes aforesaid unless it have been compared or re-verified as aforesaid within ten years before the time when it is so used, or, in any county containing more than one district for the inspection of weights and measures, unless such model or copy have been compared by the inspector of weights and measures in the district in which it is used, in the presence of one justice of the county, with a model or copy of the imperial standard of weight duly compared and verified at the Exchequer within five years of its being so used, and found on such comparison by such inspector to be correct, or with a model or copy of the imperial standard of measure duly compared and verified at the Exchequer within ten years of its being so used, and found on such comparison by such inspector to be correct; and the expenses incurred in and about such comparison or re-verification of any such model or copy of any imperial standard of weight or measure shall in all cases be paid in the same manner and out of the same funds as is provided for the procuring of such models and copies.

2. *Penalty for making and selling false Beams and Scales or Weights and Measures.*—No person shall wilfully or knowingly make or sell, or cause to be made or sold, any false or unjust beam, scale, or balance, or any light or unjust weight or measure; and every person who shall commit any such offence shall upon being convicted thereof forfeit and pay any sum not exceeding £10 as shall be adjudged by the justice, sheriff, or magistrate before whom any such conviction shall take place.

3. *Power to Inspectors to inspect Beams, Scales, &c. in possession of Persons selling in the public Streets.*—It shall be lawful for every inspector of weights and measures, or other person or persons duly appointed to inspect weights and measures, at all reasonable times to inspect all beams, scales, and balances, and weights and measures, in the possession of any person selling, offering, or exposing for sale any goods on any open ground, or in any public street, lane, thoroughfare, or other open place; and if upon such inspection or examination any such beams, scales, or balances, or weights or measures, shall be found light or unjust, or otherwise contrary to the provisions of this Act or the herein-before recited Act, or if any fraud be wilfully committed in the using thereof, the same shall be liable to be seized and forfeited, and the person or persons using or having in his or her possession any such false or unjust beams, scales, or balances, or light or unjust weights or measures, shall be liable to any penalty not exceeding £5.

4. *Municipal Corporations to appoint Inspectors of Weights and Measures.*—And whereas doubts have arisen as to the au-

thority by or under which inspectors and examiners of weights and measures in certain municipal boroughs have been heretofore authorised and appointed: Be it therefore enacted, that the town councils of all municipal boroughs in England and Wales incorporated under the provisions of the statutes passed in 5 & 6 Will. 4, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," or any Act for the amendment thereof, to which a separate Court of Quarter Sessions has been granted, shall have respectively, and they are hereby authorised and empowered henceforth to use and exercise, solely within their respective boroughs, all and every the powers and authorities concerning weights and measures, and the providing of copies of the imperial standard weights and measures verified and stamped at the exchequer, and the inspection, examination, and seizure of all unjust weights and measures, and the appointment and authorisation of such inspectors and examiners, as are by law now vested in, used and exercised by, any justices of the peace assembled at their general or quarter sessions in any county in England and Wales, within the limits of their commission, under or by virtue of the statute passed in 5 & 6 of his late said Majesty, intituled "An Act to repeal an Act of the 5 & 6 of his present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof," or under or by virtue of any other law or statute whatsoever; and that such inspectors and examiners so appointed by such town councils as aforesaid, and duly authorised by warrant or other authority in writing under the hand of the mayor of any such borough for the time being, and under the corporate common seal of any such town council as aforesaid, shall have, possess, and exercise the same or the like powers of entering shops, stores, warehouses, manufactories, stalls, yards, and places, within any such borough, and of examining, comparing, trying, and seizing any such weights or measures, as are now had, possessed, or exercised by any inspectors or examiners authorised or appointed in counties by such justices as aforesaid, under or by virtue of the statute lastly herein-before referred to, or under or by virtue of any law or statute whatsoever; and all the penal and other provisions of such statute or of any such statutes, so far as they are not repugnant to or inconsistent with this enactment, shall apply to all such boroughs, towns, councils, inspectors, and examiners respectively, and to all weights and measures used or to be used in such boroughs respectively, and to the examination, comparison, trial, and seizure thereof; and every such council shall and lawfully may pay from time to time to such inspectors and examiners so appointed by them respectively, out of the borough funds or borough rates of such boroughs respectively, such salaries, wages, or allowances as each such council respectively shall deem reasonable, and also out of the same funds or rates shall pay and defray all costs incidental to the providing of the said copies of the imperial standard weights and measures, and of carrying out the said last-mentioned Act and this Act within such boroughs; and all fees, penalties, and moneys, which but for this Act would have been payable to the county stock or fund shall be paid into and go in aid of the borough fund of such borough: On the exercise of any such powers by the town council of any such municipal borough, and on written notice under the corporate common seal of such borough being given of the exercise of any of such powers to the clerk of the peace of the county, riding, or division, in which such borough shall be situate, and after the expiration of one calendar month from the day on which such notice shall be given or left at the office of the said clerk of the peace, all the powers and authorities of all inspectors or examiners appointed by the justices of the peace at their general quarter sessions of the peace for such county, riding, or division, shall as to such borough, and all weights and measures therein, cease and be absolutely at an end.

5. *Inspectors authorised to stamp Measures although made partly of Glass, &c.*—And whereas since the passing of the said Act, measures for liquids have been constructed with a small window or transparent part through which the contents, whether to the brim or to any other index thereof, may be seen without impediment, and the use of such measures by publicans and others in the retail of malt liquors and spirits and other excisable liquids would be attended with advantage both to the purchaser and seller: Be it therefore further enacted, that measures for such liquids which shall correspond in capacity with the standard, or parts or multiples thereof, respectively deposited in the Exchequer, although such measures may be made partly of copper or other metal, and partly of glass or other transparent medium, may be examined, compared, and stamped by all inspectors of weights and measures, anything in the said recited Act to the contrary notwithstanding: That



measures for such liquids, the capacity of which shall exceed the standard or parts or multiples of the respective imperial standard measures deposited in the Court of Exchequer, but which shall have the capacity of such standards or parts or multiples thereof respectively indicated by a level line drawn through the centre of the window or transparent part, although such measures may be made partly of copper or other metal and partly of glass or other transparent medium, may be examined, compared, and stamped by all inspectors of weights and measures, anything in the said recited Act to the contrary notwithstanding.

6. **Owners of Markets to provide Beams, Scales, &c.]** It shall be lawful for the owners or managers of any public market where goods are exposed or kept for sale, and they are hereby required, to provide proper beams, scales, and balances, and weights and measures, or other machines, for the purpose of weighing or measuring all goods sold, offered, or exposed for sale in any such market, and to deposit the same at the office of the clerk or toll collector of such market, or some other convenient place, and to have the accuracy of all such beams, scales, and balances, and weights and measures, or other machines, tested at least twice in every year by the inspector of weights and measures of and for the county or district where any such market is situate; and all expenses attending the purchase thereof, and for adjusting and testing the same, shall be paid out of the moneys collected for tolls in any such market; and such clerk or toll collector shall at all reasonable times, whenever called upon so to do, weigh or measure all goods which shall have been sold, offered, or exposed for sale in any such market, upon payment of such reasonable sum or sums of money as shall from time to time be decided upon by the said owners or managers, subject to the approval and revision of the justices in general or quarter session assembled at such market be in England, or of the sheriff if it be in Scotland.

7. **Power to Clerks of Markets to inspect Goods sold, &c., and if weighing found deficient to summon the Offender.]** It shall be lawful for every clerk or toll collector of any public market, at all reasonable times, to weigh or measure all goods sold, or exposed for sale, in any such market, and if upon such weighing or measuring, any such goods shall be found deficient in weight or measure, or otherwise contrary to the provisions of this Act or of the herein-before recited Act, every such clerk or toll collector is hereby authorised and required to summon the person selling, offering, or exposing for sale, or causing to be sold, offered, or exposed for sale, any such goods before any justice, [sheriff, or magistrate having jurisdiction in the county or district where any such market is situate; and every such justice, sheriff, or magistrate shall, upon proof thereof, convict the offender, or offenders in the respective penalties by this Act or the said recited Act imposed, and shall from time to time award to any such clerk or toll collector such reasonable remuneration (to be paid out of the said penalties) as to him shall seem fit.

8. **Penalties.]** For every offence against or disobedience to the provisions of this Act or of the herein-before recited Act for which no special penalty is provided, the offender shall, at the discretion of the justice, sheriff, or magistrate before whom any such conviction shall take place, be liable to any penalty not exceeding £5, as shall be adjudged by such justice, sheriff, or magistrate.

9. **Act how to be construed.]** This Act shall be construed and taken together with the said recited Act of the 5 & 6 Will. 4, so far as the provisions of the same are consistent herewith: Provided, always, that nothing herein contained shall be construed or taken to apply to any action or proceeding now pending or which may be commenced previous to this Act coming into operation.

10. **Not to abridge the Power of the Just. J., &c.]** Provided always, and be it enacted, that nothing in this Act contained shall extend or be construed to extend, to supersede, limit, take away, lessen, or prevent the authority which any person, or persons, bodies politic or corporate, or any person appointed at any court leet for any hundred or manor, or any jury or ward, or any other person, may have or possess for the examining, regulating, sealing, breaking, or destroying any weights, balances, or measures or goods deficient in weight or measure, within their respective jurisdictions, and presenting the same at the Court Leet, or the power given by any Act or Acts now in force to justices or other authorities to appoint examiners for the inspection of weights and measures.

11. **Powers of Universities to remain in Force.]** The powers

heretofore lawfully belonging to the Universities of Oxford and Cambridge respectively shall continue in full force, anything in this Act contained notwithstanding.

12. **Extent of Act.]** This Act shall not extend to Ireland.

**CAP. LVII. An Act Limiting the Power of Imprisonment for Small Debts**

Enacted by the County Court Judges. [13th August, 1859.]

WHEREAS it is expedient to limit the power of imprisonment by judges of county courts: Be it therefore enacted, as follows:

1. **Power of Commitment by County Court Judges under 9 & 10 Vict. c. 95, s. 98, not to be exercised unless Credit obtained by Fraud.]** That if a party summoned under and by virtue of the Act of the 9 & 10 Vict. c. 95, s. 98, shall not attend as required by such summons, or allege a sufficient excuse for not attending, it shall not be lawful for the judge before whom such party shall have been so summoned to order that such party shall be committed to prison, unless it shall appear to the satisfaction of such judge that such party, if a defendant, is incurring the debt or liability which is the subject of the action in which judgment has been obtained, has obtained credit from the plaintiff under false pretences, or by means of fraud or breach of trust, or has wilfully contracted such debt or liability without having had at the same time a reasonable expectation of being able to pay or discharge the same, or shall have made or caused to be made any gift, delivery, or transfer of any property, or shall have charged, removed, or concealed the same with intent to defraud his creditors, or any of them, or has then or has had since the judgment obtained against him sufficient means and ability to pay the debt or damages or costs so recovered against him, either altogether, or by any instalment or instalments which the Court in which the judgment was obtained shall have ordered, and shall have refused or neglected to pay the same.

**CAP. LVIII. An Act to empower the Commissioners of Her Majesty's Works**

and Public Buildings to acquire additional Space for the Westminster Approach to Westminster New Bridge.

[13th August, 1859.]

**AN ACT to enable Railway Companies to settle their Differences with other Companies by Arbitration.** [13th August, 1859.]

FOR the better providing for the settlement by arbitration of matters in which railway companies in the United Kingdom are mutually interested, be it enacted, as follows:

1. **Short Title.]** This Act may for all purposes be cited as "Railway Companies Arbitration Act, 1859;" and the expression "Railway Companies" in this Act extends to and includes all persons being the owners or lessors of, and all contractors working any railway upon which steam power is used.

2. **Power for Railway Companies to refer Matters to Arbitration.]** Any two or more railway companies, whether already or hereafter incorporated (in this Act called "the companies"), from time to time, by writing under their respective common seals, may agree to refer and may refer to arbitration, in accordance with this Act, any then existing or future differences, questions or other matters, whatsoever in which they then are or thereafter shall be mutually interested; and which they might lawfully settle or dispose of by agreement between themselves, and may delegate to the person or persons to whom the reference is made any power to determine all or any of the terms of any contract to be made between the companies which the directors of the companies respectively might lawfully delegate to any committee of themselves respectively.

3. **Power to alter or revoke Agreements for Reference.]** The companies jointly, but not otherwise, from time to time, by writing under their respective common seals, may add to, alter, or revoke any agreements for reference in accordance with this Act theretofore entered into between the companies, or any of the terms, conditions, or stipulations thereof.

4. **Agreements to be carried into effect.]** Every reference or agreement in accordance with this Act, except so far as it is from time to time revoked or modified in accordance with this Act, shall bind the companies, and may and shall be carried into full effect.

5. **Reference to a single Arbitrator.]** Where the companies agree, the reference shall be made to a single arbitrator.

6. **Reference to two or more Arbitrators.]** Except where the

companies agree that the reference shall be made to a single arbitrator; the reference shall be made as follows: to wit, and

Where there are two companies the reference shall be made

to two arbitrators; and if the companies agree that the reference shall be made to three or more arbitrators, the reference shall be made to so many arbitrators as there are companies.

**71. Appointment of Arbitrators by Companies.]** Where there are to be two or more arbitrators, every company shall by writing under the common seal appoint one of the arbitrators, and shall give notice in writing thereof to the other company or companies.

**8. Appointment of Arbitrators by Board of Trade.]** Where there are to be two or more arbitrators, if any of the companies fail to appoint an arbitrator within fourteen days after being thereunto requested in writing by the other company, or by other companies, or any of them, then, on the application of the companies, or any of them, the Board of Trade, instead of the company so failing to appoint an arbitrator, may appoint an arbitrator; and the arbitrator so appointed shall for the purposes of this Act be deemed to be appointed by the company so failing.

**9. Appointment of Arbitrators by Companies to supply Vacancies.]** When the reference is made to two or more arbitrators, if before the matters referred to them are determined, any arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as arbitrator, the company by which he was appointed shall, by writing under their common seal, appoint an arbitrator in his place.

**10. Appointment of Arbitrators by Board of Trade to supply Vacancies.]** Where the company by which an arbitrator ought to be appointed in the place of the arbitrator so deceased, incapable, unfit, or failing to act, fail to make the appointment within fourteen days after being thereunto requested in writing by the other company, or by the other companies, or any of them, then, on the application of the companies, or any of them, the Board of Trade may appoint an arbitrator; and the arbitrator so appointed by the Board of Trade shall, for the purposes of this Act, be deemed to be appointed by the company so failing.

**11. Appointment of Arbitrator not revocable.]** When any appointment of arbitrator is made, the company making the appointment shall have no power to revoke the appointment without the previous consent in writing of the other company, or every other company in writing under their common seal.

**12. Appointment of Umpire by Arbitrators.]** Where two or more arbitrators are appointed, they shall, before entering on the business of the reference, appoint, by writing under their hands, an impartial and qualified person to be their umpire.

**13. Appointment of Umpire by Board of Trade.]** If the arbitrators do not appoint an umpire within seven days after the reference is made to the arbitrators, then, on the application of the companies, or any of them, the Board of Trade may appoint an umpire, and the umpire so appointed shall, for the purposes of this Act, be deemed to be appointed by the arbitrators.

**14. Appointment of Umpire by Arbitrators to supply Vacancies.]** Where two or more arbitrators are appointed, if before the matters referred to them are determined, their umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as umpire, the arbitrators shall, by writing under their hands, appoint an impartial and qualified person to be their umpire in his place.

**15. Appointment of Umpire by Board of Trade to supply Vacancies.]** If the arbitrators fail to appoint an umpire within seven days after notice in writing to them of the deceased, incapacity, unfitness, or failure to act of their umpire, then, on the application of the companies, or any of them, the Board of Trade may appoint an umpire; and the umpire so appointed shall, for the purposes of this Act, be deemed to be appointed by the arbitrators so failing.

**16. Succeeding Arbitrators and Umpires to have Powers of Predecessors.]** Every arbitrator appointed in the place of a preceding arbitrator, and every umpire appointed in the place of a preceding umpire, shall respectively have the like powers and authorities as his respective predecessor.

**17. Reference to Umpire.]** Where there are two or more arbitrators, if they do not, within such a time as the companies agree on, or failing such agreement, within thirty days next after the reference is made to the arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their umpire.

**18. Power for Arbitrators, &c., to call for Books, &c., and administer Oath.]** The arbitrator, and the arbitrators, and the umpire, respectively, may call for the production of any documents or evidence in the possession or power of the companies, respectively, or which they respectively can produce, and which the arbitrator, or the arbitrators, or the umpire shall think necessary for determining the matters referred, and may examine the witnesses of the companies respectively on oath, and may administer the requisite oath; and in Scotland may grant diligence for the recovery of the documents or evidence, and for citing witnesses, and on application to the Lord Ordinary he may issue letters of supplement or other necessary writs in support of the diligence.

**19. Procedure in the Arbitration.]** Except where and as the companies otherwise agree, the arbitrator, and the arbitrators, and the umpire, respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

**20. Arbitration may proceed in Absence of Companies.]** The arbitrator, and the arbitrators, and the umpire respectively may proceed in the absence of all or any of the companies in every case in which, after giving notice in that behalf to the companies respectively, the arbitrator, or the arbitrators, or the umpire shall think fit so to proceed.

**21. Several Awards may be made.]** The arbitrator, and the arbitrators, and the umpire respectively may, if he, she, and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred; and every such award on part of the matters shall, for such time as shall be specified in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that notwithstanding the other matters or any of them be not then or thereafter awarded on.

**22. Awards made in due Time to bind all Parties.]** The award of the arbitrator, or of the arbitrators, or of the umpire, if made in writing under his or their respective hand or hands, and ready to be delivered to the companies, within such a time as the companies agree on, or, failing such agreement, within thirty days next after the matters in difference are referred to (as the case may be) the arbitrator, or the arbitrators, or the umpire, shall be binding and conclusive on all the companies.

**23. Power for Umpire to extend Period for making his Award.]** Provided always, that (except where and as the companies otherwise agree) the umpire, from time to time, by writing under his hand, may extend the period within which his award is to be made; and if it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

**24. Awards not to be set Aside for Informality.]** No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality.

**25. Awards to be obeyed.]** Except only so far as the companies bound by any award in accordance with this Act from time to time otherwise agree, all things by every award in accordance with this Act lawfully required to be done, omitted, or suffered shall be done, omitted, or suffered accordingly.

**26. Agreements, Arbitrations, and Awards to have Effect.]** Full effect shall be given by all the superior courts of law and equity in the United Kingdom, according to their respective jurisdiction, and by the companies respectively, and otherwise, to all agreements, references, arbitrations, and awards in accordance with this Act; and the performance or observance thereof may, where the Courts think fit, be compelled by distress infinite on the property of the companies respectively, or by any other process against the companies, respectively, or their respective property that the Courts or any judge thereof shall direct, and whose requisites frame for the purpose.

**27. Costs of Arbitration and Award.]** Except where and as the companies otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the arbitrator, and the arbitrators, and the umpire respectively.

**28. Payment of Costs.]** Except where and as the companies otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the companies in equal shares, and in other respects the companies shall bear their own respective costs.



22. *Submission to Arbitration to be made a Rule of Court.* The submission to any arbitration, in accordance with this Act, may, at any time, be made a rule of any of his Majesty's superior courts of record, at Westminster, or, as the case may be, at Dublin, on the application of any party interested; and the Court may remit the matter to the arbitration on the application, or, if the matter, with any directions, the Court think fit.

**Act to extend the Powers of an Act passed in the Thirtieth and Fourteenth Years of Her Majesty, Chapter One Hundred and Eleven, relating to the Laying Down of Railways at Holyhead Harbour.** [13th Aug. 1859.]

**CAP. LXI.**

**Act to make further Provision concerning the Court of Divorce and Matrimonial Causes.** [13th Aug. 1859.]

WHEREAS it is expedient to make further provision concerning the Court of Divorce and Matrimonial Causes, established by the 20 & 21 Vict. c. 85; Be it therefore enacted &c. as follows:

1. *Judges of the Queen's Bench, &c. to be Judges of the Court for Divorce.* In addition to the judges mentioned in s. 8 of the said Act, all the judges for the time being of the Courts of Queen's Bench, Common Pleas and Exchequer respectively, not already made judges of the Court for Divorce and Matrimonial Causes, shall be judges of such court.

2. *Judge Ordinary and Eight of the other Judges to appoint the Sittings of the full Court.* The Judge Ordinary of the said court, and eight or more of the other judges thereof, shall, from time to time, by general orders for this purpose, appoint so many sittings of the full court in every year, and at such times as may appear to them necessary or convenient for disposing of the matters arising in the said court, which may not be heard and determined by the Judge Ordinary alone; and the judges of the said court shall, by a rota or otherwise, as they may deem most convenient, make provision for the attendance of the requisite number of judges to make a full court at the times so appointed for the sittings of the full court.

3. *Precedence of the Judge Ordinary.* The Judge Ordinary shall have place and precedence in the said court next after the Lord Chief Baron of her Majesty's Court of Exchequer.

4. *The Court may make Orders as to Custody of Children after a final Decree of Separation—20 & 21 Vict. c. 85.* The Court, after a final decree of judicial separation, nullity of marriage, or dissolution of marriage, may, upon application (by petition) for this purpose make, from time to time, all such orders and provision with respect to the custody, maintenance, and education of the children the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the Court of Chancery, as might have been made by such final decree or by interim orders in case the proceedings for obtaining such decree were still pending; and all orders under this enactment may be made by the Judge Ordinary alone, or with one or more of the other judges of the Court.

5. *As to Marriage Settlements of Parties after final Decree of Nullity of Marriage.* The Court, after a final decree of nullity of marriage, or dissolution of marriage, may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders with reference to the application of the whole or a portion of the property settled, either for the benefit of the children of the marriage or of their respective parents, as to the Court shall seem fit.

6. *On a Petition by Wife on account of Adultery, &c., both Husband and Wife competent, &c., to give Evidence.* On any petition presented by a wife, praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

7. *Extension of Right of Appeal to House of Lords.* The right of appeal to the House of Lords given by the 56 sec. of the recited Act shall extend to all sentences and final judgments on petitions under the Legitimacy Declaration Act, 1858.

**Act to amend the Irish Bankruptcy and Insolvent Act, 1857.** [13th Aug. 1859.]

WHEREAS by the Irish Bankruptcy and Insolvent Act, 1857, unclaimed dividends made before the passing of the said Act are exempted from the operation of s. 24 of that Act, but no provision is thereby made for the disposal of such unclaimed dividends, and it is expedient to amend the said Act by supplying the said omission: Be it enacted &c. as follows:

1. *Application of unclaimed Dividends declared before passing of 20 & 21 Vict. c. 69; 6 Will. 4 c. 14 s. 128.* The Court may order that dividends which had been declared before the passing of the said Irish Bankruptcy and Insolvent Act, 1857, and which have remained unclaimed for the space of three years from the declaration thereof, shall be divided and paid amongst the other creditors, in manner provided by the 6 Will. 4 c. 14 s. 128.

2. *Act to be construed as one Act.* The said recited Act and this Act shall be construed and construed as one Act.

**Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof.** [13th Aug. 1859.]

WHEREAS great improvement in the administration of the law would ensue if facilities were afforded for more certainty ascertaining the law administered in one part of her Majesty's dominions when pleaded in the courts of another part thereof: Be it therefore enacted &c. as follows:

1. *Courts in one Part of Her Majesty's Dominions may remit a Case for the Opinion in Law of a Court in any other Part thereof.* If in any action depending in any court within her Majesty's dominions, it shall be the opinion of such court that it is necessary or expedient for the proper disposal of such action to ascertain the law applicable to the facts of the case as administered in any other part of her Majesty's dominions on any point on which the law of such other part of her Majesty's dominions is different from that in which the Court is situate, it shall be competent to the Court in which such action may depend to direct a case to be prepared setting forth the facts, as these may be ascertained by verdict of a jury or other mode competent, or may be agreed upon by the parties, or settled by such person or persons as may have been appointed by the Court for that purpose in the event of the parties not agreeing, and upon such case being approved of by such Court or a judge thereof, they shall settle the questions of law arising out of the same on which they desire to have the opinion of another Court, and shall pronounce an order remitting the same, together with the case, to the Court in such other part of her Majesty's dominions, being one of the superior courts thereof, whose opinion is desired upon the law administered by them as applicable to the facts set forth in such case, and desiring them to pronounce their opinion on the questions submitted to them in the terms of the Act; and it shall be competent to any of the parties to the action to present a petition to the Court whose opinion is to be obtained, praying such last-mentioned Court to hear parties or their counsel, and to pronounce their opinion thereon in terms of this Act, or to pronounce their opinion without hearing parties or counsel; and the Court to which such petition shall be presented shall, if they think fit, appoint an early day for hearing parties or their counsel on such case, and shall thereafter pronounce their opinion upon the questions of law as administered by them which are submitted to them by the Court; and in order to their pronouncing such opinion they shall be entitled to take such further procedure thereupon as to them shall seem proper.

2. *Opinion to be authenticated and certified Copy given.* Upon such opinion being pronounced, a copy thereof, certified by an officer of such court, shall be given to each of the parties to the action by whom the same shall be required, and shall be deemed and held to contain a correct record of such opinion.

3. *Opinion to be applied by the Court making the Remit.* It shall be competent to any of the parties to the action, after having obtained such certified copy of such opinion, to lodge the same with an officer of the court in which the action may be depending, who may have the official charge thereof, together with a notice of motion, setting forth that the party will, on a certain day named in such notice, move the Court to apply the opinion contained in such certified copy thereof to



the facts set forth in the case herein-before specified, and the said Court shall thereupon apply such opinion to such facts, in the same manner as if the same had been pronounced by such Court itself upon a case reserved for the opinion of the Court, or upon special verdict of a jury; or the said last-mentioned Court shall, if it think fit, when the said opinion has been obtained before trial, order such opinion to be submitted to the jury with the other facts of the case as evidence, or conclusive evidence as the Court may think fit, of the foreign law therein stated, and the said opinion shall be so submitted to the jury.

4. *Her Majesty in Council or House of Lords on Appeal may adopt or reject Opinion.* In the event of an appeal to her Majesty in Council, or to the House of Lords, in any such action, it shall be competent to bring under the review of her Majesty in Council, or of the House of Lords, the opinion pronounced as aforesaid by any Court whose judgments are reviewable by her Majesty in Council or by the House of Lords, and her Majesty in Council, or that House, may respectively adopt or reject such opinion of any Court whose judgments are respectively reviewable by them, as the same shall appear to them to be well founded or not in law.

5. *Interpretation of Terms.* In the construction of this Act, the word "action" shall include every judicial proceeding instituted in any court, civil, criminal, or ecclesiastical; and the words "superior courts" shall include, in England, the superior courts of law at Westminster, the Lord Chancellor, the Lords Justices, the Master of the Rolls, or any Vice-Chancellor, the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in Scotland, the High Court of Justiciary, and the Court of Session, acting by either of its divisions; in Ireland, the superior courts of law at Dublin, the Master of the Rolls, and the Judge of the Admiralty Court; and in any other part of her Majesty's dominions, the superior courts of law or equity therein.

## CAP. LXIV.

*An Act to remove Doubts as to the Validity of certain Marriages of British Subjects at Lieben.* [13th Aug. 1859.]

## CAP. LXV.

*An Act for amending the Acts for the better Regulation of Divisions in the several Counties of England and Wales.* [13th Aug. 1859.]

WHEREAS by an Act passed in the 9th year of his late

Majesty Geo. 4. intitled "An Act for the better Regulation of Divisions in the several Counties of England and Wales," the Court of Quarter Sessions is empowered, in certain cases, to make orders for altering existing divisions and for constituting new divisions for holding petty and special sessions: And whereas an Act for more effectually executing the said recited Act was passed in the 10th year of his said late Majesty, and another Act for amending the said recited Act was passed in the 6th year of his late Majesty Will. 4: And whereas doubts have arisen whether under the said first herein-recited Act the justices therein mentioned are empowered to divide any parish, tything, township, or place for the purpose of including any part or parts thereof respectively in any division constituted under the said Acts or any or either of them; it is therefore enacted &c. as follows: LXI. 740

1. *Justices may divide parishes, &c. for constituting Divisions of Counties.* It shall be lawful for the said justices, if they shall think fit, to divide any parish, tything, township, or place for the purpose of altering or constituting such divisions and after any order of the said justices for altering or constituting any division under the said Acts shall have taken effect the part or parts of any parish, tything, township, or place included in any division altered or constituted by such order shall be deemed and taken to be part of such division for all the purposes of the said Acts, but not further or otherwise.

2. *Court to make Order in respect of the Appointment and Duties of Officers.* Whenever the Court of Quarter Sessions shall, under the provisions herein or in the said recited Acts contained, make an order for dividing any parish, tything, township, or place for the purpose of altering or constituting such divisions as aforesaid, and it shall appear to the Court that any inconvenience may arise therefrom in or respecting the appointment or duties of any bailiffs, constables, or tythingmen, surveyors, overseers of the poor or other officers or persons, the Court of Quarter Sessions shall or may, at the same or at any future sessions, make such order in respect of the said appointments and duties as the Court shall deem necessary or expedient.

## CAP. LXVI.

*An Act for Regulating Measures used in Sale of Gas.* [13th Aug. 1859.]

WHEREAS by an Act passed in the 9th year of his late

Majesty Geo. 4. intitled "An Act for the better Regulation of Divisions in the several Counties of England and Wales," the Court of Quarter Sessions is empowered, in certain cases, to make orders for altering existing divisions and for constituting new divisions for holding petty and special sessions: And whereas an Act for more effectually executing the said recited Act was passed in the 10th year of his said late Majesty, and another Act for amending the said recited Act was passed in the 6th year of his late Majesty Will. 4: And whereas doubts have arisen whether under the said first herein-recited Act the justices therein mentioned are empowered to divide any parish, tything, township, or place for the purpose of including any part or parts thereof respectively in any division constituted under the said Acts or any or either of them; it is therefore enacted &c. as follows: LXI. 740

1. *Justices may divide parishes, &c. for constituting Divisions of Counties.* It shall be lawful for the said justices, if they shall think fit, to divide any parish, tything, township, or place for the purpose of altering or constituting such divisions and after any order of the said justices for altering or constituting any division under the said Acts shall have taken effect the part or parts of any parish, tything, township, or place included in any division altered or constituted by such order shall be deemed and taken to be part of such division for all the purposes of the said Acts, but not further or otherwise.

**DECLARED PUBLIC AND TO BE JUDICIALLY NOTICED**

ORIGINAL

xix. An Act to authorise the Abandonment of the Fort Navigation from a Point about Two hundred Yards above the

York Union Workhouse, near the City of York; to alter, repeal and amend the Acts relating to the said Navigation; and for other Purposes.

**XX. An Act to authorise the Mersey Docks and Harbour Board to raise a further sum of Money for Works at Liverpool.**

xiii. An Act to dissolve the Accidental Death Insurance Com-

Travelers and Marine Insurance Company to be hereafter called "The Accidental Death Insured Company" and for other purposes.

**XIII. An Act for making a Railway from the Cork and Bandon Railway to the Town of Kinsale in the County of Cork, with a Branch Railway or Tramway to Kinsale Harbour.**

iv. An Act for building and repairing a Fish-  
house for the Fishermen in the County of Devon and for other Purposes.

and constructing a Road and Quay in extension of the present Quay in the Town of Fishguard, and deepening and otherwise improving the said Harbour.

... An Act for changing the Name of "The People's Provident Assurance Society" to the Name "The European Assurance Society;" and for authorising the taking of the

Guarantee of the Society instead of other Security required from Persons in Public Offices and Employments, and for other Purposes.

xxvii. An Act for making further Provisions with respect to

the Standard Life Assurance Company  
xviii. An Act to enable the East Suffolk Railway Company  
to extend their Railway to Aldborough in the County of

Suffolk; and for other Purposes.

xix. An Act to extend the Time for the Completion of certain Works of the Victoria (London) Dock Company, and

xxviii. An Act to grant further Powers to the Commercial Dock Company.

xix. An Act to enable the Ballymena, Ballymoney, Coleraine, and Portrush Junction Railway Company to work as Junction Railway at Coleraine.

Supply of Water to the Borough of King's Lynn and adjacent Districts; for regulating the Markets and Fairs of the

xxiii. An Act for constructing Market Houses and other Buildings

and making Markets, Fairs, and for better regulating and maintaining the Markets and Fairs, in consequence of the Order of Taxation, and for opening a new Street and other works.

**Kingston Railway Company.**

Great Northern Railway and the North London Railway, thus improve the Station of the Great Northern Railway at King's Cross, and to enable the Great Northern Railway to

Cross, and the Boston and Maine Railway Company to make arrangements with regard to certain parts of their Capital and that of the East Lincolnshire Railway Company;

## 22 &amp; 23 VICTORIA.

- i. An Act for authorising the Construction of a Railway for carrying the West London Railway over the Great Western Railway by means of a Bridge, in substitution for the present level Crossing; and for other Purposes.
- ii. An Act for enabling the London and North Western Railway Company to make a Railway from their existing line at Edge Hill in the County of Lancaster to the Saint Helen's Railway near Garston in the same County, and for other Purposes.
- iii. An Act to enable the Caledonian Railway Company to make Branch Railways to the Wilsontown Mineral Field, and for other Purposes.
- iv. An Act to incorporate the Red Sea and India Telegraph Company, and for enabling the Company to establish and work Telegraphs between Great Britain and India and other Countries, and for other Purposes connected therewith.
- v. An Act to provide for the Partition of the London-road Station at Manchester, and for the better Management of the same; and for improving the same; and for other Purposes.
- vi. An Act for making a Railway from Pembroke Dock to Tenby, and from Pembroke Dock to the Pier at Hobbs Point, in the County of Pembroke, and for other Purposes.
- vii. An Act to amend the Provisions of the Tye Improvement Act, to authorise an Alteration of the Piece of the Mouth of the River, and for other Purposes.
- viii. An Act to alter and consolidate the Acts relating to the Great North of Scotland Railway Company, to regulate and amend the Company's Capital, and for other Purposes.
- ix. An Act to enable the Kingston upon Thames Gas Company to raise further Money by Share and borrowing.
- x. An Act to enable the North-Eastern Railway Company to make a Branch from their Leeds and Thirsk Railway to Pottery Bridges, to acquire additional Land, and for other Purposes.
- xi. An Act for the Reading and Hatfield Telegraphic Road in the Counties of Berks, Bucks, and Hertford.
- xii. An Act for the Completion of the Gateshead Quay in the Borough of Gateshead, and for authorising Arrangements for the North-Eastern Railway Company with respect to the Use of Parts thereof, and for other Purposes.
- xiii. An Act to extend the Time for making the Harrogate Junction Railway, to authorise certain Deviations in the line thereof, and for other Purposes.
- xiv. An Act to amalgamate the Belkirk and Galesburgh Railway Company with the North British Railway Company, and for other Purposes.
- xv. An Act for authorising the Lymington Railway Company to acquire the Lymington River, and to raise further Capital, and for other Purposes.
- xvi. An Act for making a Railway from the Woodcote Station of the Shrewsbury and Hereford Railway, in the County of Hereford, to a Point near Tenbury, in the County of Worcester, and for other Purposes.
- xvii. An Act to enable the Worcester and Hereford Railway Company to make a Branch Railway to the Screen at Worcester, and to enlarge their Station at Hereford, and for other Purposes.
- xviii. An Act for enabling the Dundee and Perth and Aberdeen Railway Company to improve the Dundee and Newtyle Railway, and for other Purposes.
- xix. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Ealing to raise a further Sum of Money for improving their Gasworks, and for other Purposes.
- xx. An Act to authorise the Construction of Docks and other Works on the South Shore of the River Thames, to be called "The Greenwich and South-western Docks," and for other Purposes.
- xxi. An Act for conferring on the East's Patent Cattle Company further Powers for the raising of Money, and for other Purposes.
- xxii. An Act for authorising divers Arrangements between the Vale of Atherley Railway Company and other Companies having Railways to other Works near the Vale of Atherley Railway, and for regulating the Capital and Borrowing Powers of the Company, and for other Purposes.
- xxiii. An Act to alter and amend the Acts relating to the London and Birmingham Railway, and to enable the Company to raise additional Capital, and for other Purposes.
- xxiv. An Act to authorise the North British Railway Company to make a Railway from their Hawick Line to the Fort

Carlisle Railway near Carlisle, with divers Branches therefrom; and for other Purposes.

- xxv. An Act to repeal an Act passed in the Eleventh Year of the Reign of King George the Fourth, Chapter 110, intituled "An Act for more effectually repairing the Road from Carlisle to Penrith, and from Penrith to Elmont Bridge in the County of Cumberland; and to make other Provisions in lieu thereof."
- xxvi. An Act for making a Railway from Much Wenlock in the County of Shropshire, to connect with the Shropshire Valley Railway and the River Severn in the same County.
- xxvii. An Act for making a new Street from near Foundry Bridge to King Street, in the City and County of the City of Norwich.
- xxviii. An Act to repeal the Acts relating to the Company of Proprietors of the Liverpool Exchange, and to incorporate the Liverpool Exchange Company, and for other Purposes connected therewith.
- xxix. An Act to authorise the Raising of a further Sum of Money for the Completion of the Castle Douglas and Dumfries Railway, and to sanction a Deviation from the authorised Line of that Railway.
- xxx. An Act to authorise the Construction of a Railway from the Llanidloes and Newtown Railway, to connect with the Shropshire Union Canal, and to enable the Llanidloes and Newtown Railway Company to lease their Undertakings, and for other Purposes.
- xxxi. An Act for authorising an Amendment of some of the Provisions of the Act relating to the London and South-western Railway Company, and for other Purposes.
- xxxii. An Act to extend the Time for the Sale of the Lands belonging to the Company of Proprietors of the North of Clyde Navigation as may not be required for the Purpose of the said Navigation.
- xxxiii. An Act for authorising the Hertford, Ligon, and Dunstable Railway Company to raise further Capital for the Purpose of the Hertford Section of their Railway, and to extend the Period for the Completion of the Hertford Section of their Railway, and for other Purposes.
- xxxiv. An Act to enable the Glasgow and Great Western Railway Company to raise additional Capital, to authorise a Deviation of their Line, and for other Purposes.
- xxxv. An Act for the Transfer of the Lymington River, to the South-eastern Railway, to be called the Lymington River, and for other Purposes.
- xxxvi. An Act to revise and extend the Powers of the Dundee and Westport Railway Company for the Purchase of Lands, and to extend their Powers for completing their Undertaking, and to enable them to make a Deviation from the Line of their Railway, and for other Purposes.
- xxxvii. An Act to enable the Dundee and Westport Railway Company for borrowing on Mortgage, and to enable the Great Southern and Western Railway Company to subscribe towards the said Undertaking, and to enable the said Companies to make Working and Traffic Arrangements, and for other Purposes.
- xxxviii. An Act to enable the Dublin and Drogheda Railway Company to create Debenture Stock, and to issue new Shares for redeeming existing Preference Shares subject to Redemption, and to enlarge their Station at Dublin, and for other Purposes.
- xxxix. An Act to enable the Newry and Antrim Railway Company to make Alterations in their existing Line of Railway, and to construct a short Branch of a new line, and for other Purposes.
- xl. An Act to incorporate "The Norwich Corn Exchange Company Limited," and to define and regulate their Undertaking.
- xli. An Act to authorise the Amendment of the Gloucester and Cheltenham Tramroad, and to enable the Midland and Great Western Railway Company to purchase the Tramroad of the same, and for other Purposes.
- xlii. An Act to enable the Ulster Railway Company to extend their Railway from Monaghan to Clones, and to make Arrangements with the Dundalk and Enniskillen Railway Company, and to make a new Branch of their Railway, and for other Purposes.
- xliiii. An Act to authorise the Lymington River, to be called the Lymington River, and to enable the Company to raise further Capital, and for other Purposes.
- xliiii. An Act to authorise the Lymington River, to be called the Lymington River, and to enable the Company to raise further Capital, and for other Purposes.
- xliiii. An Act to authorise the Lymington River, to be called the Lymington River, and to enable the Company to raise further Capital, and for other Purposes.



- their Railway; and Deviations from the Line of the North Tyne Section of their Railway, and to raise further Capital; and for other Purposes.
- xliv. An Act for authorising the London and South-western Railway Company to make new Works, and to raise further Funds; and for other Purposes.
- xlv. An Act for making a Railway to Sevenoaks, and for other Purposes connected therewith.
- xlv. An Act for connecting the Town of Witney with the existing Railways in the Parishes of Yarnton and Wolvercot in the County of Oxford, and for other Purposes.
- xlvii. An Act to extend the Period limited by "The Swansea Harbour Act, 1854," for the Construction and Completion of the Works thereby authorised.
- xlviii. An Act to enable the Great Northern and Western (of Ireland) Railway Company to extend their Railway to Castlebar, and for other Purposes.
- xlix. An Act for incorporating the National Fire and Life Insurance Company of Scotland by the name of "The Scottish National Insurance Company," for enabling the Company to sue and be sued, and to take and hold Property; and for other Purposes relating to the Company.
- l. An Act to confer further Powers on the Londonderry and Lough Swilly Railway Company for the Completion of their Railway.
- li. An Act to enable the Dundalk and Enniskillen Railway Company to make new Lines of Railway to Cavan and Belturbet; and for other Purposes.
- lii. An Act to regulate the Capital and Undertaking of "The City of London Gaslight and Coke Company," and to incorporate that Company.
- liii. An Act to enable the Midland Great Western Railway of Ireland Company to construct a Branch Railway to the River Liffey; and for other Purposes.
- liv. An Act to change the Name of the East Kent Railway Company, and for other Purposes connected with their Undertaking.
- lv. An Act for making a Railway from the Midland Railway to or near the Town of Mountsorrel, in the County of Leicester.
- lvi. An Act for authorising the Somerset Central Railway Company to lay down Narrow Gauge Lines of Rails on their Railways, and to raise further Funds; and for regulating their Capital and Borrowing Powers; and for other Purposes.
- lvii. An Act for vesting the Sunderland Docks in the Commission of the River Wear; for enabling the Commissioners to execute certain Works; for amending the Provisions of the Acts relating to the Docks and River; and for other Purposes.
- lviii. An Act for better supplying with Water parts of the Parishes of Bebbington and Woodlitch in the County of Chester; and for other Purposes.
- lix. An Act to incorporate a Company for making Railways to supply Communication to the District between Merthyr and Abergavenny; and for other Purposes.
- lx. An Act for making a Dock with other Conveniences in the Camber at Portsmouth; and for other Purposes.
- lxi. An Act for incorporating "The Tottenham and Edmonton Gaslight and Coke Company," and extending their Powers; and for other Purposes.
- lxii. An Act to enable the Midland Great Western Railway of Ireland Company to abandon a Portion of their authorised Line between Longford and Boyle, and to construct a new Line in substitution thereof; and for other Purposes.
- lxiii. An Act for making a Railway from Llanddole in the County of Montgomery to Newbridge in the County of Radnor, to be called "The Mid-Wales Railway," and for other Purposes.
- lxiv. An Act for making a Railway from the Shrewsbury and Chester Section of the Great Western Railway near Ruabon in the County of Denbigh to the Town of Llangollen in the same County, and for other Purposes.
- lxv. An Act to enable the Stokes Bay Railway and Pier Company to raise additional Capital.
- lxvi. An Act to repeal an Act passed in the Fifth Year of the Reign of His Majesty King George the Fourth, intitled An Act for widening, improving, and maintaining the Turnpike Road leading from the City of Worcester, through Droitwich, to Spadepourne Bridge within the Parish of Bromsgrove in the County of Worcester, and other roads therein mentioned; and for granting more effectual Powers in lieu thereof.
- lxvii. An Act to repeal an Act passed in the Tenth Year of the Reign of His Majesty King George the Fourth, intitled
- An Act for repairing the Road from Hincley to Melbourne Common, and other Roads communicating therewith, in the Counties of Leicester and Derby; and granting more effectual Powers in lieu thereof.
- lxviii. An Act for making Railways in the District between Brecon and Merthyr Tydfil, and for other Purposes.
- lxix. An Act to enable the London, Brighton, and South Coast Railway Company to make certain Alterations in their existing and authorised Railways; to make a new Railway at Norwood; to acquire additional Lands for Station Accommodation, and to purchase or take on Lease other Undertakings; and for other Purposes.
- lxx. An Act to amend "The Tweed Fisheries Act, 1857," and to alter the Annual Close Times in the River Tweed.
- lxxi. An Act to authorise the Bradford, Wakefield, and Leeds Railway Company to raise a further Sum of Money, and for other Purposes.
- lxxii. An Act for the Regulation and Improvement of the Oyster Fishery in the River Orwell within the Borough of Ipswich.
- lxxiii. An Act to enable the South Durham and Lancashire Union Railway Company to deviate their authorised Line of Railway, to carry their Line over a certain Road by a level Crossing, and to construct a Road for providing better Access to the Railway at or near to Barnard Castle; and for other Purposes.
- lxxiv. An Act to authorise the Birkenhead, Lancashire, and Cheshire Junction Railway Company to make a Railway from Hookton to Helsby, with a Branch to Trammere Pool; and for other Purposes.
- lxxv. An Act for inclosing the Commons or Waste Lands called "The Commons of Bray" in the Parish of Old Cannaught in the County of Dublin.
- lxxvi. An Act to authorise the Oxford, Worcester, and Wolverhampton Railway Company to extend their Kingwinford Branch, and to alter certain Parts of their Main Line of Railway, and to carry into effect an Agreement with the Great Western Railway Company for the Completion of the Main Line on the Narrow Gauge only; and for other Purposes.
- lxxvii. An Act for making a Pier in Swanage Bay in the County of Dorset, and a Tramway in connexion therewith; and for other Purposes.
- lxxviii. An Act for making a Road from Llanrwst to Abergelle and a Branch Road thereon, in the Counties of Denbigh and Carnarvon.
- lxxix. An Act for continuing an Act for more effectually making, amending, widening, repairing, and maintaining the Great North Roads leading from the North Queensberry and from Burntisland, both in the County of Fife, by Kinross, to the City of Perth, and for enabling the Trustees of the said Roads and the Trustees of other Roads to enter into mutual Arrangements.
- lxxx. An Act to enable the Dublin and Wicklow Railway Company to extend their Railway to Gorey in the County of Wexford; and for other Purposes.
- lxxxi. An Act for the making and maintaining of the Charing Cross Railway, and for other Purposes.
- lxxxii. An Act to alter and amend the Acts relating to the Lands Improvement Company.
- lxxxiii. An Act to consolidate and amend the Acts relating to the Scottish Central Railway.
- lxxxiv. An Act for making a Railway from Brecon through Hay to the Line of the Shrewsbury and Hereford Railway Company at Hereford.
- lxxxv. An Act for the making and maintaining of the Wansbeck Railway from Morpeth to a Junction with the North Tyne Section of the Border Counties Railway, and with Branches to the Morpeth Branch of the Tyne and Tyne Railway and the Main Line of the North-Eastern Railway respectively; and for other Purposes.
- lxxxvi. An Act to repeal an Act of the Ninth Year of the Reign of King George the Fourth, for making a Turnpike Road from the Township of Hunstlet across the River Aire to the Township of Leeds, and to make other Provisions in lieu thereof.
- lxxxvii. An Act to repeal the Acts relating to the Lawton, Burslem, and Newcastle-under-Lyme Turnpike Roads, and to consolidate and amend the Provisions thereof.
- lxxxviii. An Act for making a Railway from the London and North-western Railway to Sutton Coldfield in the County of Warwick, with a Branch thereon; and for other Purposes.
- lxxxix. An Act for repairing and maintaining certain Roads in

and near Ludlow in the County of Salop, known as the Ludlow First Turnpike Trust, the Ludlow Second Turnpike Trust, and the Cainham Trust, and for placing such Roads under the same Management.

xc. An Act to enable the Sittingbourne and Sheerness Railway Company to raise additional Capital, to amend the Acts relating to the Company, and for other Purposes.

xc. An Act for amalgamating the Bedale and Leyburn Railway Company with the North-eastern Railway Company, and for vesting in the latter the Undertaking of the former Company and the Rosedale Branch and Property of the North Yorkshire and Cleveland Railway Company; and for other Purposes.

xcii. An Act to renew the Term and continue, amend, and enlarge the Powers of an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled An Act for more effectually repairing the Road leading from the Cross of Hand near Finford Bridge in the County of Warwick, through the Town of Southam in the same County, to the Borough of Banbury in the County of Oxford, and to make other Provisions in lieu thereof; and for other Purposes.

xciii. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Blackburn and Preston Turnpike Road, and for constructing a Bridge over the River Ribble in connexion therewith; and for other Purposes.

xciv. An Act for making a Railway from West Cowes to Newport in the Isle of Wight, and for other Purposes.

xcv. An Act for making a Railway from the London and South-western Railway in the Parish of Ringwood to Christchurch, and an Approach Road at Christchurch, all in the County of Southampton; and for other Purposes.

xcvi. An Act to authorise the Charlston Railway and Harbour Company to purchase and acquire the Charlston Railway and Harbour, and to extend and improve the said Railway and Harbour.

xcvii. An Act to alter, amend, and enlarge the Provisions of the Acts relating to the Metropolitan Railway, to authorise the Alteration and Relinquishment of certain of the Works, and to make further Provision with reference to the Construction of such Railway; and for other Purposes.

xcviii. An Act to extend the Powers of the West End of London and Crystal Palace Railway Company for the Purchase of Lands and Completion of their authorised Extension to Farnborough Railway; and for other Purposes.

xcix. An Act for better supplying with Water the Town of Eastbourne and Places adjacent thereto in the County of Sussex, and for other Purposes.

c. An Act to enable the North-eastern Railway Company to construct Branch Railways for the Purpose of uniting their Leeds and Thirsk and Church Fenton and Harrogate Railways; and for other Purposes.

ci. An Act to amend the Acts relating to the South Yorkshire Railway and River Don Company, and to regulate the crossing of certain Roads by the Railway of the Company.

cii. An Act for regulating the Bombay, Baroda, and Central India Railway Company, and for making Provision with respect to the Capital of the Company, and for other Purposes.

ciii. An Act to make better Provision for the Management and Application of the Newcastle-under-Lyme Burgesses Lands, to repeal and amend the Act relating thereto, and for other Purposes.

civ. An Act for making a Railway from the Trent Valley Railway at Nuneaton in the County of Warwick to Hinckley in the County of Leicester, and for other Purposes.

cv. An Act to authorise the Construction of a Railway from Hungerford in Berkshire to Devizes in Wiltshire, to be called "The Berke and Hants Extension Railway."

cvi. An Act for incorporating the British and Canadian Telegraph Company; and for other Purposes.

cvi. An Act to embark and reclaim from the Sea certain Waste Lands subject to be overflowed by the Tide, and forming Part of Chichester Harbour in the County of Sussex.

cvi. An Act to alter, amend, and extend the Acts for inclosing, embanking, and draining the Marsh called Malttræth and Coradangan in the County of Anglesey, and to provide for the Maintenance of the Embankments and Drainage, and for other Purposes.

cix. An Act to authorise the South Staffordshire Railway Company to acquire certain Lands and raise additional Capital; and for other Purposes.

cx. An Act for the Amalgamation of the East Lancashire

Railway Company with the Lancashire and Yorkshire Railway Company, and for other Purposes.

cx. An Act to authorise the Leeds, Bradford, and Halifax Junction Railway Company to convert their Mortgage or Bond Debt into Shares or Stock; and for other Purposes.

cxii. An Act to enable the Victoria Station and Fimlico Railway Company to raise further Sums of Money.

cxiii. An Act for enabling the London and North-western Railway Company to construct new works and acquire additional Lands in the Counties of Lancaster and Northampton; and for other Purposes.

cxiv. An Act to authorise the Maintenance and Use of the Silverdale and Newcastle-under-Lyme Railway, and the Use of the Extension Railway to the Newcastle-under-Lyme Canal, and for other Purposes.

cxv. An Act to enable the Waveney Valley Railway Company to extend their Railway from Harleston to Bungay and Ditchingham; and for other Purposes relating to the same Company.

cxvi. An Act to enable the Herne Bay and Faversham Railway Company to extend their Railway to Margate, to change their Name; and for other Purposes connected with their Undertaking.

cxvii. An Act for establishing Railway Communication between Loughton, Epping, and Chipping Ongar in the County of Essex, and for other Purposes.

cxviii. An Act to enable the Norwich and Spalding Railway Company to extend their Railway from Holbeach to Sutton Bridge in Lincolnshire.

cxix. An Act to authorise the Construction of a Railway from the Hythe in the Neighbourhood of Colchester to Wivenhoe in Essex, to be called "The Tending Hundred Railway."

cx. An Act to afford Facilities for raising Funds for the Completion of the Bridport Railway, and to authorise the Lease thereof to the Great Western Railway Company.

cx. An Act for making a Railway from Knighton to Llan-drindin in the County of Radnor, to be called "The Central Wales Railway," and for other Purposes.

cxii. An Act to enable the Colne Valley and Halstead Railway Company to extend their Railway from Halstead to Haverhill in the County of Essex.

cxiii. An Act for improving, paving, draining, and lighting the Burgh of Falkirk, and for regulating the Supply of Water within the Burgh; and for providing for the Transference of the Property of the Stintmasters and Farmers of Falkirk to the Magistrates and Council; and for other Purposes.

cxiv. An Act for authorising the Lancaster and Carlisle Railway Company to make new Works, and to make arrangements with other Companies, and to raise further Funds; and for other Purposes.

cxv. An Act for making a Railway from the Coultershaw Branch of the Mid-Sussex Railway to the Town of Midhurst in the County of Sussex.

cxvi. An Act for making a Branch from the North Staffordshire Railway in the Parish of Stoke-upon-Trent in the County of Stafford, and for extending the time for completing certain Works, and for authorising Arrangements with the London and North Western Railway Company; and for other Purposes.

cxvii. An Act for enabling the Stockton and Darlington Railway Company to make a new Railway and other Works; and for other Purposes.

cxviii. An Act for making the Kensington Station and North and South London Junction Railway, and for other Purposes.

cxix. An Act to enable the Lancashire and Yorkshire Railway Company to construct Branch Railways from Oldham to Rochdale and Royton in the County of Lancaster; and for other Purposes.

cx. An Act for enabling the Midland Railway Company to make an Extension of their Erewash Valley Line; to acquire additional Lands in the County of Leicester; and for other Purposes.

cx. An Act to facilitate Arrangements by the Londonderry and Coleraine Railway Company with their Creditors, and for other Purposes.

cx. An Act to suspend in certain Cases the Operation of the Twenty-eighth Section of the "Liverpool Sanitary Amendment Act, 1854," and for other Purposes.

cx. An Act for the better Regulation of Watermen, Barge Owners, and others connected with the Navigation of the River Thames between Teddington Lock and Lower Hope Point.



ccxiv. An Act for the making and maintaining of the West London Extension Railway, and for other Purposes.

ccxv. An Act to amend "The Tacumshin Embankment Act, 1854," and to extend the Time for the Completion of the Works authorized by that Act.

ccxvi. An Act for making and maintaining, in and near to Burton-upon-Trent, of Branch Railways from the Midland Railway, and the building of a new Bridge across the River Trent at Burton-upon-Trent, and the taking down and re-

moving of "The Great Bridge at Burton-upon-Trent;" and for other Purposes.

ccxvii. An Act to confer certain Powers upon "The Pneumatic Despatch Company (Limited)."

ccxviii. An Act to transfer the Warrington and Stockport Railway to certain Companies.

ccxix. An Act to extend the Wells and Fakenham Railway to and along Wells Quay, and for other Purposes.

The Figures at the end of the lines denote the Pages where the Acts are set out at length in the PUBLIC STATUTES of the United Kingdom. E. & I. to England and Ireland.—G. B. to Great Britain.—U. K. to the whole of the United Kingdom.

THE FIGURES AT THE END OF THE LINES DENOTE THE PAGES WHERE THE ACTS ARE SET OUT AT LENGTH IN THE PUBLIC STATUTES OF THE UNITED KINGDOM.

## PRIVATE ACTS.

PRINTED BY THE QUEEN'S PRINTER, AND GIVEN IN EVIDENCE

WHEREOF THE PRINTED COPIES MAY BE

22 VICTORIA.

An Act to authorise the Exchange of certain detached, Particulars in the County of Northampton, the Settled Estates of the County of Northampton, the County of Northampton, and the County of Northampton, and to extend the Time for the Completion of the Works authorized by that Act.

An Act to authorise the Exchange of certain detached, Particulars in the County of Northampton, the Settled Estates of the County of Northampton, the County of Northampton, and the County of Northampton, and to extend the Time for the Completion of the Works authorized by that Act.

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22 & 23 VICTORIA.

1. An Act to authorise Charles Frederick Clifton, Esquire, and the Lady Edith Maud his Wife, and their Issue, to assume and bear the Surname of "Abney Hastings" in lieu of the Surname of Clifton, and to bear the Arms of Abney and Hastings, in compliance with the Condition contained in a Settlement made by Sir Charles Abney Hastings, Baronet, deceased, of certain Estates in the County of Derby and Leicestershire.

2. An Act to authorise the Exchange of certain detached, Particulars in the County of Northampton, the Settled Estates of the County of Northampton, the County of Northampton, and the County of Northampton, and to extend the Time for the Completion of the Works authorized by that Act.

3. An Act to authorise the Exchange of certain detached, Particulars in the County of Northampton, the Settled Estates of the County of Northampton, the County of Northampton, and the County of Northampton, and to extend the Time for the Completion of the Works authorized by that Act.

4. An Act to authorise the Exchange of certain detached, Particulars in the County of Northampton, the Settled Estates of the County of Northampton, the County of Northampton, and the County of Northampton, and to extend the Time for the Completion of the Works authorized by that Act.

## PRIVATE ACTS

## NOT PRINTED.

22 VICTORIA.

An Act to dissolve the Marriage of William, Esquire, with Georgina Mary, his new Wife, and to enable him to marry again; and for other Purposes.

An Act to dissolve the Marriage of James, Esquire, with Georgina Mary, his new Wife, and to enable him to marry again; and for other Purposes.

An Act to dissolve the Marriage of James, Esquire, with Georgina Mary, his new Wife, and to enable him to marry again; and for other Purposes.

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An Act to dissolve the Marriage of James, Esquire, with Georgina Mary, his new Wife, and to enable him to marry again; and for other Purposes.

22 & 23 VICTORIA.

1. An Act to enable Thomas Augustus Purdy, Clerk, to exercise his Office of Priest and to hold any Benefices or Preferment in the United Church of England and Ireland.

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SHOWING WHETHER THEY RELATE TO THE WHOLE OR TO ANY PART OF THE UNITED KINGDOM.

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—to make Provision in relation to Lands vested in or taken by Her Majesty's Principal Secretary of State for the War Department—G.B. & I. c. 12.

**LOCAL GOVERNMENT;** to confirm certain Provisional Orders under the Local Government Act, 1858 (21 & 22 Vict. c. 30)—E. c. 31.

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**BOUNDARY SURVEY**; to amend the Act 20 & 21 Vict. c. 43, relating to the Survey of Boundaries in Ireland—*L. c. 5*.  
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**PARLIAMENT, MEMBERS OF**; to remove Doubts as to the Qualification of Persons holding Diplomatic Positions to sit in Parliament—*U.K. c. 5*.  
**PAWNBROKERS**; to amend the Act 20 & 40 Geo. 3, c. 56, for better regulating the Business of Pawnbrokers—*L. c. 14*.  
**PAYMENT OF DEBTS**; *See* POOR LAW BOARD.

**PEWAGE**; to amend the Laws relating to—*G.B. & I. c. 56*.  
**PEWY SAVINGS BANKS**; to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks—*G.B. & I. c. 53*.  
**PERSONS**; to remove Doubts as to the Qualification of Persons holding Diplomatic Positions to sit in Parliament—*U.K. c. 5*.

**PRINTING, FACULTY OF**; to repeal the Stamp Duty on Licences to exercise the Faculty of Printing—*G.B. & I. c. 24*.  
**POWELL**; to amend the Law concerning the Police in Counties and Boroughs—*L. c. 21*.  
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**POOR LAW BOARD**; to provide for the Payment of Debts incurred by Boards of Guardians in Ulster and Fines and Boards of Management in School Districts—*L. c. 49*.  
**POOR RATES**; to continue 3 & 4 Will. 3, for the Extension of Stock in Trade from Rating to the Relief of the Poor—*L. c. 44*.

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**PRIVY COUNCIL**; to provide for the Authentication of certain Orders of the, in Absence of the Clerk of the Council in Ordinary—*G.B. & I. c. 1*.

**PROVOST, COURT OF**; to enable the Commissioners of Her Majesty's Works to acquire a Site for the Purposes of Her Majesty's Court of Probate and other Courts and Offices—*L. c. 15*.  
**PROVOST AND LIEUTENANT OF ADMINISTRATION**; to amend the Law relating to—*L. c. 21*.

—altering the Stamp Duties upon—*G.B. & I. c. 24*.  
**PROPERTY, LAW OF**; to amend the Law of Property, and to relate Trusts—*L. c. 1*.  
**PROPERTY AND INCOME TAX**; granting to Her Majesty certain additional Rates of Income Tax—*U.K. c. 18*.

**PROVIDENT SOCIETIES**; to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks—*G.B. & I. c. 53*.  
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**PUBLIC HEALTH ACT**; to amend and make perpetual "The Public Health Act, 1853" (21 & 22 Vict. c. 97)—*L. c. 3*.

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**QUEEN'S REMUNERATION**; to regulate the Office of, and to amend the Privileges and Emoluments on the Revenue Side of the Court of Exchequer—*L. c. 91*.

**RAILWAY COMPANIES**; to enable Railway Companies to settle their Differences with other Companies by Arbitration—*G.B. & I. c. 59*.  
**RAILWAYS AT HOLYHEAD HARBOUR**, to extend the Powers of the Act 19 & 24 Vict. c. 111, relating to—*L. c. 60*.

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**REVENUE SIDE OF THE EXCHEQUER**; to amend the Privileges and Emoluments on the Revenue Side of the Court of Exchequer—*L. c. 91*.

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**SCHOOL DISTRICTS**; *See* BOARDS OF GUARDIANS.

**SEAMEN, VOLUNTEER FORCE**; for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same—*U.K. c. 40*.

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**SERVICE IN INDIA**; *See* EUROPEAN TROOPS (INDIA).

**SEVERAL DIVISIONS**; for amending the Acts 9 Geo. 4, c. 21, 10 Geo. 4, c. 40, and 5 & 7 Will. 4, c. 12, for the better Regulation of Divisions in the several Counties of England and Wales—*L. c. 65*.

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**SMALL DEBTS**, limiting the Power of Imprisonment for, exercised by the County Court Judges—*L. c. 61*.

**SOLICITORS**, enabling them to practice in the High Court of Admiralty—*L. c. 6*.

**SPEAKER OF THE LEGISLATIVE COUNCIL (CANADA)**, to amend the Legislature of Canada to make Laws regarding the Appointment of—*U.K. c. 10*.

**STAMP DUTIES**; to alter the Stamp Duties payable upon Probates of Wills and Letters of Administration, and to repeal the Stamp Duties on Licences to exercise the Faculty of Printing—*G.B. & I. c. 24*.

**STOCK IN TRADE**, to continue the Act 3 & 4 Vict. c. 44, for the Extension of, from Rating—*L. c. 44*.

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**TRIAL BY JURY**, to amend the Act 17 & 18 Vict. c. 30, for allowing Verdicts, on, in Civil Causes, to be received, although the Jury may not be unanimous—*L. c. 7*.

**TURNPIKE RELIEF**; further to amend the Law of Property, and to relate Trusts—*L. c. 1*.

**TURNPIKE ROADS AND TUNNELS**; to continue certain Turnpike Acts in Great Britain—*G.B. & I. c. 21*.

—to confirm certain Provisional Orders made under the Acts 14 & 15 Vict. c. 30, to facilitate Arrangements for the Relief of—*L. c. 21*.

**UNIONS**; *See* POOR LAW BOARDS.

**UNIVERSITIES**; to repeal Part of the Act 13 Eliz. c. 39, concerning the several Incorporations of the Universities of Oxford and Cambridge, and the Confirmation of the Charters, Liberties, and Privileges granted to either of them—*L. c. 19*.

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—to remove Doubts as to Admission to the Office of Principal in the University of Scotland—*L. c. 24*.

**VALUERS AS MARSHALLS**; *See* MARSHALLS (LONDON).

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**VENUE, INDICTMENTS**; to prevent Venue Indictments for certain Misdemeanours—*L. c. 17*.

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**VOLUNTEER FORCE**; for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same—*U.K. c. 40*.

**WEIGHTS AND MEASURES**, to amend the Act 5 & 6 Will. 4, c. 44, relating to—*L. c. 56*.

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**WESTMINSTER NEW BRIDGE**, to empower the Commissioners of Her Majesty's Works and Public Buildings to acquire additional Sites for the Western Approach to Westminster New Bridge—*L. c. 24*.

**WILLS, PROBATES OF**; to alter the Stamp Duties payable upon—*G.B. & I. c. 24*.

**WORKS, COMMISSIONERS OF**; *See* COURT OF PROBATE, WESTMINSTER NEW BRIDGE.

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